

22-06-CD
Forest Olemaun
v.
Elizabeth Asisaun Toovak

Presented by:

Thomas Lucas
Campaign Disclosure Coordinator



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

TO: APOC Commissioners
DATE: November 25, 2022
FROM: Thomas R. Lucas, Campaign Disclosure Coordinator
SUBJECT: Staff Report, 22-06-CD
Forest Olemaun v, Elizabeth Asisaun Toovak

SUMMARY OF COMPLAINT

On October 14, 2022, Forest Olemaun (Complainant) filed a complaint against Elizabeth Asisaun Toovak (Respondent) alleging violations of AS 15.13.145 by using funds of a state political subdivision to influence the outcome of a candidate election; and by using corporate assets to make contributions to candidates.¹ Complainant failed to perfect service on Respondent until October 19, 2022 and staff accepted the Complaint on October 26, 2022.²

SUMMARY OF ANSWER TO COMPLAINT

Respondent contends that the communications complained of were neutral and did not support any one candidate over any other candidate.³

FACTS

Respondent is the External Affairs Coordinator for Ilisagvik College (the College).⁴ The College was created by North Slope Borough Ordinance Section 8.02.020 as a non-profit corporation; and an independent legal entity operated through its board of directors.⁵ The College is incorporated in the State of Alaska as a 501(c)(3) nonprofit corporation.⁶

¹ Exhibit 1, Complaint.

² Exhibit 2, Notification Letter.

³ Exhibit 3, Response to Complaint.

⁴ *Id.*

⁵ Exhibit 4, Borough Ordinances, p. 1.

⁶ Exhibit 5, Amended Articles of Incorporation.

The members of the corporation are the individuals holding office as North Slope Borough Assembly Members.⁷ The College is managed through its Board of Directors who are appointed from a list of nominations submitted to the Borough Assembly by the Borough Mayor.⁸ The College is funded, at least in part, by Borough Funds.⁹ For fiscal year 2021, roughly 50% of the College’s funding was from the Borough.¹⁰

Respondent, as External Affairs Coordinator, was directed by her supervisor, President Wilhelm, to keep the College staff, faculty and students abreast of local and state elections.¹¹ Respondent did so through a series of emails in which she informed the staff, faculty and students of where to vote, their right to vote, the importance of voting, information about ranked choice voting, and the availability of a ride to the polls if needed.¹² Although the emails urged a reader to vote, they did not urge a reader to vote one way or the other for or against any candidate or ballot proposition.¹³

LAW AND ANALYSIS

AS 15.13.145 prohibits the state and its political subdivisions from using money held by the entity to influence the outcome of the election of a candidate to a state or municipal office.

Municipalities and “other political subdivisions” are expressly subject to the prohibition as are officers or employees of the entity.¹⁴ In AO 10-12-CD, the Alaska Mental Health Board and the Advisory Board on Alcohol and Drug Abuse (the Boards) sought an advisory opinion, in part, on whether they could engage in advocacy efforts in connection with a ballot proposition.¹⁵ In that case the two Boards were not state agencies themselves,

⁷ *Id.* p.2.

⁸ *Id.*

⁹ Exhibit 6, Ilisagvik College 2021 Annual Report, p. 27.

¹⁰ *Id.*

¹¹ Ex. 3.

¹² Ex. 1, pp. 6-10; Ex 3, pp 2-8.

¹³ *Id.*

¹⁴ AS 15.13.145(a)(3) & (4).

¹⁵ Exhibit 7, AO 10-12-CD.

but both were housed within the Alaska Department of Health and Social Services – an agency of the state. Under those circumstances the advisory opinion concluded that the two Boards were state actors and subject to AS 15.13.145.¹⁶

Here, public funds are used to provide a substantial portion of the College’s budgetary needs; its officers are North Slope Borough assembly members and its directors are chosen by the North Slope Borough Assembly. Under these circumstances, staff believes that the College is a municipal actor and subject to AS 15.13.145.¹⁷

In *Hancock v. Marquardt*, Complaint 07-02-CD, the Commission determined that the term, “money” as used in AS 15.13.145 includes municipal assets and resources. In that case, the Commission concluded that:

“...the prohibition against using ‘money’ held by the entity to influence the outcome of the election of a candidate to state or municipal office included the use of a publicly owned asset or property, such as an email system.”¹⁸

More recently, in *Gilbert v Eberhardt*, Complaint 14-01-CD, the Respondent used a municipal email system to influence the outcome of a municipal election. In that case, the Commission once again found that the use of municipal assets or property such as an email system is prohibited by AS 15.13.145.¹⁹

Here, Respondent used the College’s email system and, therefore used money of the College – a municipal actor subject to AS 15.13.145.

Nevertheless, money held by the state or its political subdivisions may be used to disseminate information about the time and place of an election; and to provide the public

¹⁶ *Id.*

¹⁷ For reasons discussed below, the Commission may not need to determine this issue in this case.

¹⁸ Exhibit 8, Hancock Commission Order.

¹⁹ Exhibit 9, Gilbert v. Eberhart Commission Order; aff’d *Eberhart v. Alaska Pub. Offs. Comm’n*, 426 P.3d 890 (Alaska 2018).

with nonpartisan information.²⁰ Information is nonpartisan if it does not advocate a position in an election.²¹ Here, the information provided by Respondent was unquestionably nonpartisan.

In *Nees v. Anchorage School District*, Complaint 16-01-CD, Complainant contended that the Anchorage School District violated AS 15.13.145 when it communicated about a ballot proposition. Finding that the communications were nonpartisan, the Commission found that the funds used to produce them did not require a specific appropriation – something required if the communications were subject to AS 15.13.145.²²

Furthermore, AS 15.13 does not prohibit a person from engaging in educational election-related communications and activities including get-out-the-vote activities that do not favor a particular candidate, political party or political position.²³

Accordingly, Because the emails sent by Respondent were nonpartisan, there is no violation of AS 15.13.145 and that portion of the complaint should be dismissed.

Complainant also contends that Respondent violated AS 15.13.074(f) because an entity recognized as tax exempt under 26 U.S.C. 501(c)(3) may not contribute to a candidate.²⁴ Here, Respondent’s communications were nonpartisan because they did not advocate a position in an election.²⁵ In pertinent part, a contribution is defined, in essence, as the provision of anything of value made for the purpose of influencing the nomination

²⁰ AS 15.13.145(c).

²¹ 2 AAC 50.365(b).

²² Exhibit 10, *Nees v. Anchorage School District* Commission Order.

²³ AS 15.13.150(4).

²⁴ “A corporation, company, partnership, firm, association, entity recognized under 26 U.S.C. 26 501(c)(3) (Internal Revenue Code), organization, business trust or surety, labor organization or public funded entity that does not satisfy the definition of group or nongroup entity in AS 15.13.400 may not make a contribution to a candidate, group or nongroup entity.”

²⁵ 2 AAC 50.356(b).

or election of a candidate.²⁶ Being nonpartisan, the communications were not contributions to any candidate.

CONCLUSION

The Complaint should be dismissed. Respondent’s nonpartisan get-out-the-vote activity falls within the AS 15.13.145 exception for nonpartisan activity; is protected by the get-out-the-vote safe harbor provided in AS 15.13.150; and does not satisfy the definition of a contribution.

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:	
Elizabeth Asisaun Toovak PO Box 1386 Barrow, Alaska 99723 asisauntoovak@gmail.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail
Forest Deano Olemaun PO Box 143 Barrow, Alaska 99723 deano61@gci.net	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> U.S. Mail

Signature

Date

²⁶ AS 15.13.400(4(A)); 2AAC 50.990(2)(A); and (7).



Alaska Public Offices Commission

COMPLAINT



FILING A COMPLAINT <i>To be accepted, complaint must include</i>	APOC LAWS ALLEGEDLY VIOLATED <i>Specify section of law or regulation</i>		APOC case name/number/date
1. Complainant's name + contact info 2. Respondent's name + contact info 3. Laws, regulations allegedly violated 4. Description of allegations 5. Basis of knowledge of alleged facts 6. Documentation to support allegations 7. Notarized signature of the complainant 8. Proof that complaint and all supporting documents were served on respondent	Campaign Disclosure Law Public Official Financial Disclosure Legislative Financial Disclosure Lobbying Regulation	<input checked="" type="checkbox"/> AS 15.13 <input checked="" type="checkbox"/> 2 AAC 50.250-405 <input type="checkbox"/> AS 39.50 <input type="checkbox"/> 2 AAC 50.680-799 <input type="checkbox"/> AS 24.60 <input type="checkbox"/> 2 AAC 50.680-799 <input type="checkbox"/> AS 24.45 <input type="checkbox"/> 2 AAC 50.550-590	ARRIVED OCT 14 2022 APOC - ANCH PM HC FAX ELE 22-06-CD

If complaint meets requirements for acceptance, APOC will investigate the allegations and notify the respondent of the right to respond. APOC will notify Complainant and Respondent when APOC accepts or rejects a complaint.

<input type="checkbox"/> APOC <input checked="" type="checkbox"/> Person <input type="checkbox"/> Party <input type="checkbox"/> Group	COMPLAINANT Forrest Deano Olemann	<input checked="" type="checkbox"/> Person <input type="checkbox"/> Party <input type="checkbox"/> Group	RESPONDENT Person or group allegedly violating law Elizabeth Asisaun Toovak
Address	PO Box 143 Barrow, AK 99723	Address	PO Box 1386 Barrow, AK 99723
City / Zip		City / Zip	
Phone/Fax	907-227-0284	Phone/Fax	907-367-5146
E-mail	deano61@gci.net	E-mail	asisauntoovak@gmail.com
COMPLAINANT'S REPRESENTATIVE		RESPONDENT'S REPRESENTATIVE	

If complainant or respondent is political party or group, list contact person. If complainant or respondent is represented by attorney, list name + contact info

Name/Title	
Address	
Phone/Fax	
E-mail	

DESCRIPTION or SUMMARY of ALLEGED VIOLATION mis-use of 501c3 Ilisagvik company email and assets (College)	Use extra pages if needed	<input checked="" type="checkbox"/> SUPPORTING DOCUMENTS - DESCRIBE: See attached copy of e-mails...
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PROOF of SERVICE ATTACHED: ☐ Fax - receipt confirmation ☐ Certified mail - signed receipt
☒ Process server - return of service ☒ E-mail - delivery/read receipt ☒ Other: city council meeting

COMPLAINANT'S SWORN STATEMENT: To the best of my knowledge and belief, these statements are true

Signature *F. Olemann* Title *Complainant* Date *10-13-22*
 Subscribed and sworn to or affirmed by me at *Barrow* on *10/13/2022*

Signature *Agos* Title *Court case manager*
 APOC COMPLAINTS, RESPONSES, INVESTIGATION REPORTS & COMMISSION ACTIONS ARE PUBLIC DOCUMENTS

APOC ANCHORAGE	APOC JUNEAU	APOC COMPLAINT PROCESS: 2 AAC 50.460 - 476	
2221 E. NORTHERN LIGHTS #128	240 MAIN STREET #500	FILING COMPLAINTS: 2AAC 50.870	ANSWERING COMPLAINTS: 2AAC 50.880
ANCHORAGE, AK 99508	P.O. BOX 110222	APOC CRITERIA for ACCEPTING COMPLAINTS: 2 AAC 50.870	
907-276-4176 / FAX 907-276-7018	JUNEAU, AK 99811	INVESTIGATIONS & HEARINGS: 2 AAC 50.875-891	
TOLL-FREE 800-478-4176	465-4864 / FAX 465-4832	RULES for REQUESTING EXPEDITED CONSIDERATION: AS15.13.380(c)	
WEB: http://doa.alaska.gov/apoc/	APOC FORMS: http://doa.alaska.gov/apoc/forms_all.html	APOC LAWS: http://doa.alaska.gov/apoc/apoclaws.html	

Forrest Deano Olemaun
P.O. Box 143
Barrow, Alaska 99723

forrest@barrow.ak.us

10/10/2022

October 10, 2022

Via email and hand delivery

Utqiagvik City Council
P.O. Box 629
Utqiagvik, AK 99723
907 852-5211 phone
907 852-5871 fax

11:57 am Received
Mary V. Rasmussen, City Clerk

Alaska Public Offices Commission
2221 E. Northern Lights, RM 128
Anchorage, Alaska 99508

apoc@alaska.gov

907 276-4176 phone
907 276-7018 fax

Re: Violations in October 4, 2022 Utqiagvik Mayoral Election

To Whom it May Concern,

I hope this day finds you well. Several troubled voters were kind enough to share disturbing information with me. I urge you to investigate and correct.

Elizabeth Asisaun Toovak is an Utqiagvik Mayoral candidate, she is also a high ranking employee of Iisagvik College. Iisagvik College is a 501(c) (3) non-profit Alaska Corporation. Using the Iisagvik College email system, and under her own name, with a picture of her face, she sent out emails urging Iisagvik employees, faculty and students across the north slope to vote in the mayoral race. Her emails urged them to use Iisagvik College vehicles to get to the polls and even urged them to carpool to the polls.

Alaska Statute 15.13.145 prohibits the use of municipal dollars—that is, municipal resources—to campaign. The Alaska Supreme Court has held that a municipal email system is a prohibited resource. Eberhart v. Alaska Public Offices Commission, 426 P.3d 890 (AK S. Ct. 2018). See also Republican Gov's Assn. v. APOC, 4/30/21, AK SCt. No. 7522.

Again, she signed her own name and face to the emails. The emails went out to hordes, maybe hundreds of people. This race will be decided by less than 29 votes. Her prohibited emails will decide this race.

①

Ilisagvik College is a 501(c)(3) non-profit corporation by article 4 of its 1996 charter. 26 U.S. Code Section 501(c)(3) prohibits participation by a non-profit on behalf of any political campaign.

Section 13.5 of the FY22 Ilisagvik College Employee Handbook prohibits political activity using any college resources. Alaska Statute 15.13.074, titled, "Prohibited Contributions" states that a tax-exempt 501(c)(3) corporation may not make contributions to a candidate.

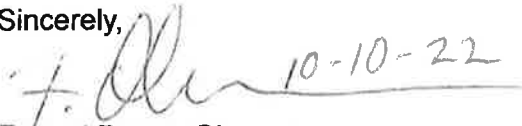
City of Utqiagvik Code of Ordinance 2.36.240 paragraph A.3. states that a corrupt election practice sufficient to change the result is grounds to contest the election. Paragraph E states that if a candidate obtained votes by result of an act prohibited by Alaska Statute 15.56, and the Council sustains the charges, the Council shall purge the illegally obtained votes.

Alaska Statute 15.56.012 is titled, "Campaign misconduct in the first degree." It states that a knowing violation of AS 15.13. is a corrupt practice, and a Class A misdemeanor.

As stated above, the Alaska Supreme Court has held that improper use of a municipality's email system is a violation of Alaska Statute 15.13.145.

I urge you to take corrective action - fast. Yes, I am also a candidate. Please make this a fair and legal election.

Sincerely,

 10-10-22
Forrest Deano Olemaun

Attachments

1. Notice of Election
2. A.P.O.C complaint
3. Emails from Elizabeth Asisaun Toovak to Ilisagvik employees, faculty and students

cc: By email
Elizabeth Asisaun Toovak
P.O.Box 1386
Utqiagvik, Alaska 99723
asisauntoovak@gmail.com

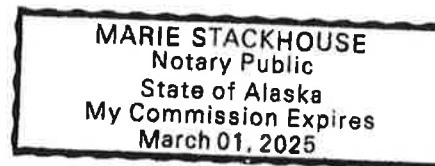
Notice of Election Contest (Utqiagvik)

The undersigned contest the election of the City of Utqiagvik held on the 4th day of October, 2022. The grounds for the contest are set for the in the attached letter and exhibits.

7. Olemaun 10-10-22
Forrest Dean Olemaun Date

Subscribed and sworn to or affirmed before me this 10th day of October, 20 22, by Marie Stackhouse.

Marie Stackhouse
Name of Notary Typed, Printed or Stamped





Alaska Public Offices Commission

COMPLAINT



FILING A COMPLAINT <i>To be accepted, complaint must include</i>	APOC LAWS ALLEGEDLY VIOLATED <i>Specify section of law or regulation</i>		APOC case name/number/date
1. Complainant's name + contact info	Campaign Disclosure Law	<input checked="" type="checkbox"/> AS 15.13 <input type="checkbox"/> 2 AAC 50.250-405	
2. Respondent's name + contact info	Public Official Financial Disclosure	<input type="checkbox"/> AS 39.50 <input type="checkbox"/> 2 AAC 50.680-799	
3. Laws, regulations allegedly violated	Legislative Financial Disclosure	<input type="checkbox"/> AS 24.60 <input type="checkbox"/> 2 AAC 50.680-799	
4. Description of allegations	Lobbying Regulation	<input type="checkbox"/> AS 24.45 <input type="checkbox"/> 2 AAC 50.550-590	
5. Basis of knowledge of alleged facts			
6. Documentation to support allegations			
7. Notarized signature of the complainant			
8. Proof that complaint and all supporting documents were served on respondent			

If complaint meets requirements for acceptance, APOC will investigate the allegations and notify the respondent of the right to respond. APOC will notify Complainant and Respondent when APOC accepts or rejects a complaint.

<input type="checkbox"/> APOC <input checked="" type="checkbox"/> Person <input type="checkbox"/> Party <input type="checkbox"/> Group	COMPLAINANT	RESPONDENT <i>Person or group allegedly violating law</i>
	Forrest Deano Olemann	Elizabeth Asisayn Toovak
Address	PO Box 143 Barrow, Alaska	PO Box 1386 Barrow, Alaska
City / Zip		
Phone/Fax	907 227-0284	907 367 5146
E-mail	deano61@gci.net	asisayntoovak@gmail.com

COMPLAINANT'S REPRESENTATIVE	RESPONDENT'S REPRESENTATIVE
If complainant or respondent is political party or group, list contact person. If complainant or respondent is represented by attorney, list name + contact info	
Name/Title	
Address	
Phone/Fax	
E-mail	

DESCRIPTION or SUMMARY of ALLEGED VIOLATION	Use extra pages if needed	<input checked="" type="checkbox"/> SUPPORTING DOCUMENTS - DESCRIBE:
		see attached copy of emails.....

PROOF of SERVICE ATTACHED: ☐ Fax - receipt confirmation ☐ Certified mail - signed receipt
☒ Process server - return of service ☒ E-mail - delivery/read receipt ☒ Other: City Council meeting

COMPLAINANT'S SWORN STATEMENT: To the best of my knowledge and belief, these statements are true

Signature: F. Olemann Title: Citizen/candidate Date: 10-10-22

Subscribed and sworn to or affirmed by me at Ufgigvik, AK on October 10, 2022

Signature: [Signature] Title: Court Case Manager II

APOC COMPLAINTS, RESPONSES, INVESTIGATION REPORTS & COMMISSION ACTIONS ARE PUBLIC DOCUMENTS

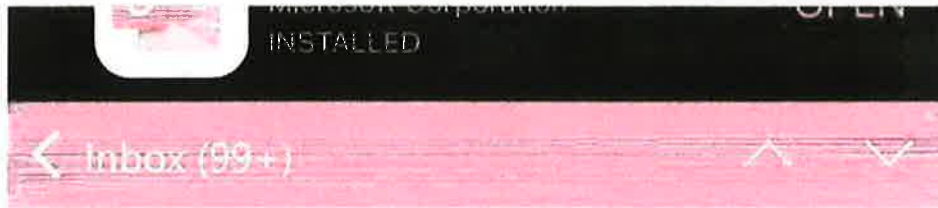
APOC ANCHORAGE	APOC JUNEAU	APOC COMPLAINT PROCESS: 2 AAC 50.450 - 476	
2221 E. NORTHERN LIGHTS #128	240 MAIN STREET #500	FILING COMPLAINTS: 2AAC 50.870	ANSWERING COMPLAINTS: 2AAC 50.880
ANCHORAGE, AK 99508	P.O. BOX 110222	APOC CRITERIA for ACCEPTING COMPLAINTS: 2 AAC 50.870	
907-276-4176 / FAX 907-276-7018	JUNEAU, AK 99811	INVESTIGATIONS & HEARINGS: 2 AAC 50.875-891	
TOLL-FREE 800-478-4176	465-4864 / FAX 465-4832	RULES for REQUESTING EXPEDITED CONSIDERATION: AS15-13.380(c)	
WEB: http://don.alaska.gov/apoc/	APOC FORMS: http://don.alaska.gov/apoc/forms_all.html	APOC LAWS: http://don.alaska.gov/apoc/laws_all.html	

1:10

5G

Done

3 of 6



Vote tomorrow!



Asisaun Toovak

Mon 10/3/2022 2:04 PM

Hide recipients

To: Ilisagvik - Staff; Ilisagvik - Faculty;
Ilisagvik - Adjunct Faculty; Ilisagvik - Students;

Action Items

Uvlluluataq Ilisagvik,

**It's that time of the year again!
Please don't forget to go vote
tomorrow October 4, 2022.**

Not sure if you're registered to

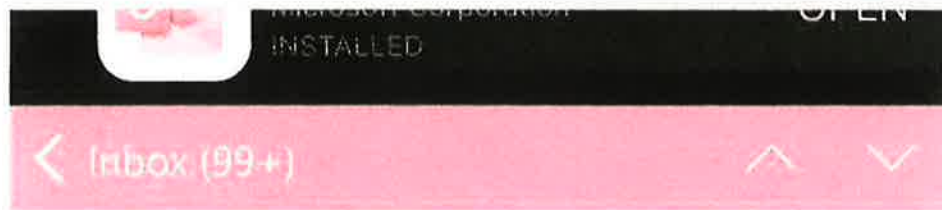


5

Done

2 of 6

88



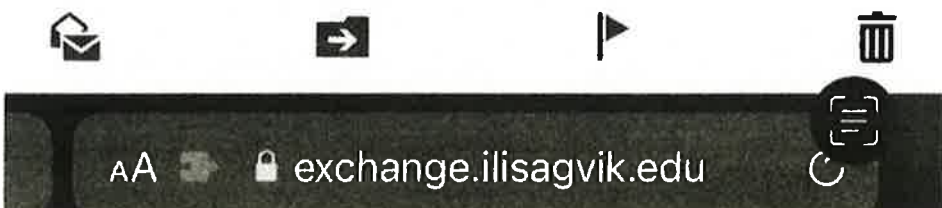
Uvilluluataq Ilisagvik,

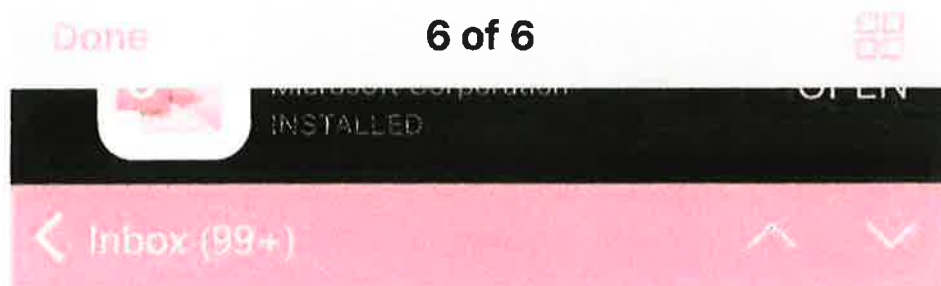
**It's that time of the year again!
Please don't forget to go vote
tomorrow October 4, 2022.**

**Not sure if you're registered to
vote? If you got your PFD you are
registered to vote! Or check here!
You can also call the NSB Clerks
office at 852-0360 or the City Clerk's
office at 852-5211.**

Where do I go vote?

Precinct	Polling Place
Anaktuvuk Pass	Community Center
Atqasuk	Community Center
Barrow	NSB Administration Building, 1274 Ag
Browerville	Inupiat Heritage Center, 5421 North St
Kaktovik	Community Center
Nuiqsut	Community Center



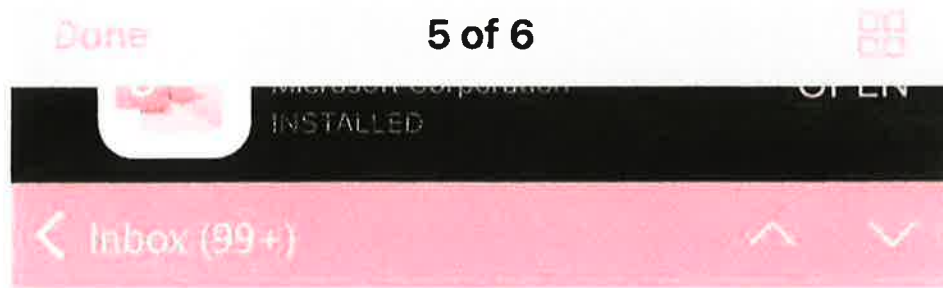


Don't forget to Vote Oct 4th. You have the right to vote!

They keep saying that, right? We're out here with work, family and whaling and they want us to vote?! Who has time for that?! Man, you better make time cause the person you vote for will be making decisions for our community.

Again, you have the right to vote, and your employer is legally obligated to allow you the time to go vote. Ilisagvik College always goes a step further and will give you a ride to the voting polls! Please car pool and let your





Where do I go vote?

Precinct	Polling Place
Anaktuvuk Pass	Community Center
Atqasuk	Community Center
Barrow	NSB Administration Building, 1274 Ag
Browerville	Inupiat Heritage Center, 5421 North St
Kaktovik	Community Center
Nuiqsut	Community Center
Point Hope	Qalgi Center, Pt. Hope City Office
Point Lay	Community Center
Wainwright	City Office

Follow the crowd, but don't forget there is more than one ballot. In the same polling place you will see the North Slope Borough ballot, the City ballot, and possibly the School Advisory Council ballot.

Don't forget to Vote Oct 4th. You have the right to vote!



Microsoft Corporation
INSTALLED

OPEN

Again, you have the right to vote,
and your employer is legally
obligated to allow you the time to
go vote. Ilisagvik College always
goes a step further and will give
you a ride to the voting polls!
Please car pool and let your
supervisor know.

If you have any questions please let
me know.

Quyanaq,

Asisaun Toovak, External Affairs Coordinator
Ilisagvik College | PO Box 749 | Utqiagvik (Barrow), AK 99723
Direct: 907.852.1873

TOPRATED TWO YEAR
COLLEGE IN ALASKA**AND #5**BEST BACHELOR'S
DEGREE COLLEGE
IN ALASKA

AA



exchange.ilisagvik.edu



NOTES

RECEIPT

DATE

10/21/21

NO.

622725

RECEIVED FROM

Forrest Olayon

ADDRESS

Twenty five dollars

\$

45.00

FOR

Paper Service

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	45.00
AMT. PAID		CHECK	
BALANCE DUE		MONEY ORDER	

BY

[Signature]

©2001 REDIFORM 8 01808

IN THE (DISTRICT)(SUPERIOR) COURT FOR THE STATE OF ALASKA
SECOND JUDICIAL DISTRICT, BARROW, ALASKA

ARRIVED

OCT 19 2022

APOC - ANCH
PM HC FAX (ELE)

FORREST OLEMAUN

Plaintiff,

vs.

ELIZABETH TOOVAK

Defendant,

Case No. _____

**PEACE OFFICER'S RETURN
OF WRIT SERVED**

I hereby certify that on OCTOBER 14TH, 2022, at UTQIAGVIK, Alaska,

I received the following documents: APOC Complaint

To serve on ELIZABETH TOOVAK

(Name of Individual, Business or Corporation)

I certify that the above document(s) was served to the above defendant.

APOC Complaint

Return Date: 10-14-22

North Slope Borough Police Department,

Commissioner

Service Fee: \$45.00

Police Department

By: _____

Mileage: _____

Printed Name: THOMAS HARRIS BADGE #763

Total: _____

Title: POLICE OFFICER



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Toll Free in Anchorage: 800.478.4176
Email: doa.apoc.reports@alaska.gov
www.doa.alaska.gov/apoc

October 26, 2022

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL

Elizabeth Toovak
P.O. Box 1386
Barrow, Alaska 99723
asisauntoovak@gmail.com

Re: Complaint 22-06-CD
Forrest Olemaun v. Elizabeth Toovak

Dear Ms. Toovak,

A complaint has been filed against you, alleging violations of AS 15.13, Alaska's campaign disclosure law and AS 39.50, Alaska's public official financial disclosure law. This notification includes a copy of the complaint and supporting documents. As the Respondent, you have the right to file a response within 15 days of this notification. Your response may respond to the allegations, state any defenses to the allegations, object to the complaint and include any relevant documentation, as provided under AS 15.13.380 and 2 AAC 50.880. Your response is a public document.

APOC staff will conduct an investigation as provided in AS 15.13.380 and 2 AAC 50.875 to collect factual information, prepare a summary and present recommendations to the Commission. Staff will provide you with a copy of the report. The Commission may (1) assess a civil penalty if the evidence supports a violation, (2) dismiss the complaint if the evidence does not support a violation, or (3) approve a consent agreement if the APOC staff and the Respondent agree to a resolution. The Commission may also refer the case to the Attorney General. If the Commission schedules a hearing, you may participate in person or by phone. After the investigation concludes, the case file becomes a public document.

If you choose to respond to the complaint, please submit an answer to the Anchorage APOC office with any relevant supporting documents by no later than **Thursday, November 10, 2022**.

If you have any questions, please contact us. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Charles Stormont".

Charles Stormont
Paralegal

Enclosures: Complaint 22-06-CD

cc: Heather Hebdon, Executive Director
Thomas Lucas, Campaign Disclosure Coordinator
Forrest Olemaun, Complainant
Morgan Griffin, Assistant Attorney General (email only)

9171-9690-0935-0275-1619-60

From: [Microsoft Outlook](#)
To: [Forrest Olemaun](#)
Subject: Relayed: Complaint 22-06-CD - Forrest Olemaun v. Elizabeth Toovak
Date: Wednesday, October 26, 2022 3:10:06 PM
Attachments: [Complaint 22-06-CD - Forrest Olemaun v. Elizabeth Toovak.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
Forrest Olemaun (deano61@gci.net) <mailto:deano61@gci.net>
Subject: Complaint 22-06-CD - Forrest Olemaun v. Elizabeth Toovak

From: [Microsoft Outlook](#)
To: asisauntoovak@gmail.com
Subject: Relayed: Complaint 22-06-CD - Forrest Olemaun v. Elizabeth Toovak
Date: Wednesday, October 26, 2022 3:10:05 PM
Attachments: [Complaint 22-06-CD - Forrest Olemaun v. Elizabeth Toovak.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
asisauntoovak@gmail.com (asisauntoovak@gmail.com) <mailto:asisauntoovak@gmail.com>
Subject: Complaint 22-06-CD - Forrest Olemaun v. Elizabeth Toovak

November 9, 2022

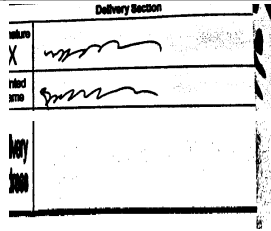
Dear Rachel Ferguson:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0275 1619 60.

Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	November 8, 2022, 10:13 am
Location:	BARROW, AK 99723
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

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Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

October 27, 2022

Charles Stormont
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
charles.stormont@alaska.gov

Re: Complaint 22-03-CD
Forrest Olemaun v. Elizabeth Asisaun Toovak

Dear Mr. Stormont,

Thank you for your letter and a time to respond. I'm looking forward to the investigation and will be cooperative. My role at Ilisagvik College was the External Affairs Coordinator and had been at this role since September of 2021. It is my job to keep Ilisagvik College abreast of community happenings including elections. Since my time at Ilisagvik College there have been three local and state wide elections. All three times I have informed Ilisagvik College staff, faculty, and students where and when to go vote. All have been neutral emails. In a community where our population is 4,000 our turnout to go vote is between 600 and 700 votes. My mother was an Alaska Municipal Clerk for almost 20 years and she instilled in me the importance of voting. I have not missed an opportunity to vote since I turned 18. It has been my passion to see a greater turn out in voters and empower our community members. As you can see I was happy to be able to reach out to the staff, faculty, and students when my supervisor, President Wilhelm, instructed me to keep Ilisagvik abreast of local and state elections. With that said, you will find two emails (second and third) and attached documents of my past emails about "getting out the vote." The first email was deleted and I do not have access to that email. President Wilhem said she will make herself available to respond and provide the first email. She is currently unavailable until November 1st.

If you have any questions please feel free to reach out to me. My cell phone number is 907-367-5146.

Quyanaqpak,



Elizabeth Asisaun Toovak

Enclosures: Second and third emails
Attached documents from second email

Asisaun Toovak

From: Asisaun Toovak
Sent: Wednesday, August 3, 2022 2:07 PM
To: Ilisagvik - Staff; Ilisagvik - Faculty; Ilisagvik - Adjunct Faculty; Ilisagvik - Students
Subject: Alaska Votes in 2 weeks
Attachments: Combo-Ballot-Explainer_REVISED_2022.pdf; North Slope Infographic 8-1-22 330pm.pdf

Good Afternoon,

On August 16, 2022 will be a combination of (1) primary election and (2) special election. More information is attached, if you have any questions please let me know. Also, we have learned from the Division of Elections that **Point Lay does NOT have a poll worker**. If you know of anyone who can serve as a poll worker, please have them contact the Division of Elections. People can view the requirements to be a poll worker and apply at:

<https://www.elections.alaska.gov/election-workers/>

Poll Worker Qualifications

- Must be a registered voter in Alaska.
- Be willing to work an approximate 16-hour day or more on Election Day OR share a position and work a split shift and attend a four to five-hour paid training session.
- Must be willing to remain non-partisan on Election Day and NOT express any political opinions while on the job.
- Cannot have a familial relationship with a candidate on the ballot.

Enjoy your Wednesday,

Asisaun Toovak, External Affairs Coordinator

Ilisagvik College | PO Box 749 | Utqiaġvik (Barrow), AK 99723 Direct: 907.852.1873




Election Day is August 16th



Alaskans will head to the polls to vote in both the regular primary election to choose the candidates for the general election in November, as well as the special general election to replace Congressman Don Young.

How do I vote in the primary election?

The primary election is an open, pick 1 primary. All candidates for each office are on the same ballot, regardless of political affiliation. You don't have to choose a ballot – all voters get the same ballot and may vote for one candidate per race. The top four vote-getters advance to the general election.

PRIMARY ELECTION (VOTE FOR ONE)	
Instructions: To vote, completely fill in the oval to the left of your choice,  like this. 1100	
PLEASE NOTE: A candidate's designated affiliation does not imply that the candidate is nominated or endorsed by the political party or group or that the party or group approves of or associates with that candidate, but only that the candidate is registered as affiliated with the party or group.	
United States Senator (vote for one)	State Senator District A (vote for one)
<input type="radio"/> Crab (Registered Libertarian)	<input type="radio"/> Bison (Registered Democrat)
<input type="radio"/> Raven (Registered Republican)	<input type="radio"/> Marmot (Registered Democrat)
<input type="radio"/> Walrus (Nonpartisan)	<input type="radio"/> Lynx (Registered Republican)
<input type="radio"/> Beluga (Registered Democrat)	State Representative District 1 (vote for one)
<input type="radio"/> Moose (Registered AK Indep)	<input type="radio"/> Halibut (Registered Republican)
United States Representative (vote for one)	<input type="radio"/> Cod (Registered Democrat)
<input type="radio"/> Ptarmigan (Registered Democrat)	<input type="radio"/> Rockfish (Registered Republican)
<input type="radio"/> Puffin (Registered Republican)	<input type="radio"/> Scallop (Registered AK Indep)
<input type="radio"/> Grouse (Registered Republican)	
<input type="radio"/> Musk Ox (Nonpartisan)	
<input type="radio"/> Otter (Undeclared)	

For more information, contact GOTNV@citci.org or visit aknativevote.com

How do I vote in the special general election?



- Remember:**
- Rank the candidates you like in order of preference.
 - Your **favorite** is your **first choice**.
 - Ranking other candidates **doesn't** affect your first choice.
 - When you **rank** the candidates, you give your vote more **power**.

RANKED CHOICE VOTING					
Instructions: Vote by ranking candidates of your choice. <ul style="list-style-type: none"> • Rank as many or as few candidates as you like • Completely fill in no more than one oval for each candidate or column • For your 1st choice, fill in the oval in the 1st choice column • For your 2nd choice, fill in the oval in the 2nd choice column • For your 3rd choice, fill in the oval in the 3rd choice column, and so on • If you make a mistake, you can ask for a new ballot 					
PLEASE NOTE: A candidate's designated affiliation does not imply that the candidate is nominated or endorsed by the political party or group or that the party or group approves of or associates with that candidate, but only that the candidate is registered as affiliated with the party or group.					
United States Representative					
	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
Bear (Registered Democrat)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Eagle (Registered Republican)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Caribou (Registered Republican)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Salmon (Nonpartisan)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write-In:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Do Not
rank a candidate
more than once.

1	2	3	4	5
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Do Not
give multiple
candidates the
same ranking.

1	2	3	4	5
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	1	2	3	4	5
BEAR	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
EAGLE	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
CARIBOU	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
SALMON	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Write-In:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

How are votes counted in the ranked choice voting general election?

1. If a candidate receives a **majority of first-choice votes (50%+1)**, they win.
2. If no candidate receives a majority, the candidate with the fewest votes is eliminated and voters that ranked that candidate first have their vote counted for their next choice. This process continues until one candidate receives a majority of voters' choices.



The August 16th elections will be unique **ONE DAY, TWO ELECTIONS**



1

NONPARTISAN PICK ONE

PRIMARY ELECTION

The first side of the ballot will be used to vote for the Primary Election on which voters will select only **ONE CHOICE** each for U.S. Senator, U.S. Representative, Governor and Lt. Governor, and State Representative.

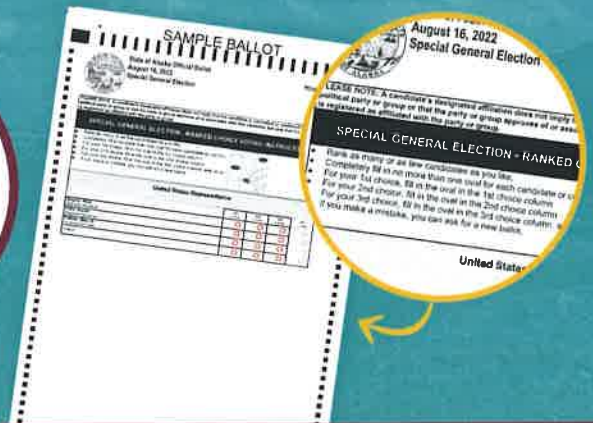
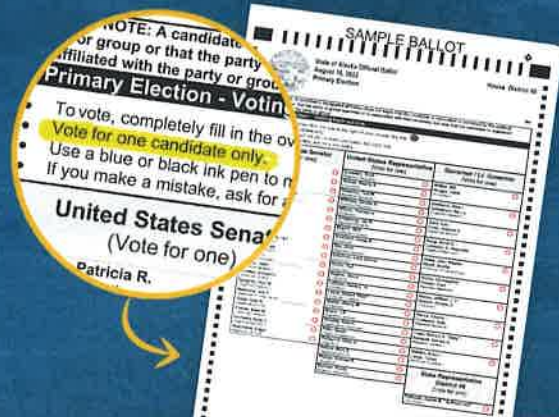
2

RANKED CHOICE

SPECIAL GENERAL ELECTION

The second side of the ballot is for the Special General Election to fill the vacancy left by the late U.S. Rep. Don Young. Voters will use a new, ranked choice system, ranking the candidates and/or write-in choice in order of preference. Voters may rank as many or as few candidates as they like.

**MAKE A
PLAN TO
VOTE**



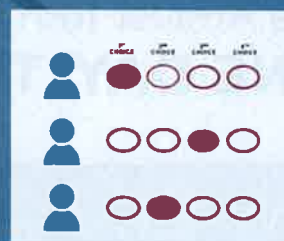
ABOUT RANKED CHOICE VOTING

This is the first time that Alaskans will participate in Ranked Choice Voting. Here's what it looks like:

Ranked Choice Voting allows voters to rank candidates in **order of preference**. You may rank as many or as few candidates as you would like.



Pick your **first-choice** candidate and completely fill in the oval next to their name under the first column. If you have a second-choice candidate, fill in the oval next to their name under the second column—and so on.



Ballots are counted in rounds. All the first choice votes are tallied first and the candidate with the least votes is eliminated. The process continues until only two names remain—and the candidate with the most votes wins.



By ranking multiple candidates, **you can still have a voice in who gets elected** even if your top choice does not win. Ranking multiple candidates ensures your vote will go toward your second and third choice if your top choice is eliminated, giving you more voice in who wins.

Fill in only **one oval per candidate**, in each column. You do not have to rank all the candidates.



If you make a mistake, **ask a poll worker for a new ballot.**



MORE INFO: WWW.ELECTIONS.ALASKA.GOV/RCV OR CALL (866) 952-8683

ASNA
ALASKA STATE NATION ASSOCIATION

ICAS
ALASKA COMMUNITY AND SOCIAL ACTION CENTER



ILISAGVIK
COLLEGE

AK
ALASKA
REGIONAL INTERPRETATION

Asisaun Toovak

From: Asisaun Toovak
Sent: Monday, October 3, 2022 2:04 PM
To: Ilisagvik - Staff; Ilisagvik - Faculty; Ilisagvik - Adjunct Faculty; Ilisagvik - Students
Subject: Vote tomorrow!

Uvlluluataq Ilisagvik,

It's that time of the year again! Please don't forget to go vote tomorrow October 4, 2022.

Not sure if you're registered to vote? If you got your PFD you are registered to vote! Or check [here](#)! You can also call the NSB Clerks office at 852-0360 or the City Clerk's office at 852-5211.

Where do I go vote?

Precinct	Polling Place
Anaktuvuk Pass	Community Center
Atqasuk	Community Center
Barrow	NSB Administration Building, 1274 Agvik Street
Browerville	Inupiat Heritage Center, 5421 North Star Street
Kaktovik	Community Center
Nuiqsut	Community Center
Point Hope	Qalgi Center, Pt. Hope City Office
Point Lay	Community Center
Wainwright	City Office

Follow the crowd, but don't forget there is more then one ballot. In the same polling place you will see the North Slope Borough ballot, the City ballot, and possibly the School Advisory Council ballot.

Don't forget to Vote Oct 4th. You have the right to vote!

They keep saying that, right? We're out here with work, family and whaling and they want us to vote?! Who has time for that?! Man, you better make time cause the person you vote for will be making decisions for our community.

Again, you have the right to vote, and your employer is legally obligated to allow you the time to go vote. Iḷisaḡvik College always goes a step further and will give you a ride to the voting polls! Please car pool and let your supervisor know.

If you have any questions please let me know.

Quyanaq,

Asisaun Toovak, External Affairs Coordinator

Iḷisaḡvik College | PO Box 749 | Utqiaḡvik (Barrow), AK 99723 Direct: 907.852.1873



CHAPTER 8.02: - COLLEGE AND ADULT EDUCATION

Sections:

§ 8.02.010 - PURPOSE.

It is the purpose of this Chapter to authorize the participation of the North Slope Borough in the establishment, operation and funding of post secondary education and training programs, including academic, vocational and public service education, for the benefit of the residents of the North Slope Borough.

('75 Code, § 8.05.010)(Ord. 85-23-1, passed 9-10-90; Am. Ord. 85-23-2, passed 8-4-92; Res. 95-6, passed 11-21-95; Am. Ord. 85-23-3, passed 12-5-95)

§ 8.02.020 - ESTABLISHMENT.

There is established a public, non-profit corporation to be called Ilisagvik College, for the purpose of providing post secondary education programs within the North Slope Borough. The corporation shall be authorized to grant associate and bachelor degrees, certificates, and endorsements.

(Ord. 85-23-2, passed 8-4-92; Res. 95-6, passed 11-21-95; Am. Ord. 85-23-3, passed 12-5-95; Am. Ord. No. 85-23-4, § 4, passed 12-6-16)

§ 8.02.030 - POWERS AND DUTIES.

The College, through its Board of Directors, shall: (1) operate college and post secondary education facilities and programs; (2) hire and employ all personnel necessary for the management and provision of the programs; (3) establish and maintain the academic policies of the programs (including vocational and technical training programs that will meet the work force requirements of the North Slope Region); (4) take fiscal responsibility for the proper receipt and utilization of funds from all sources; (5) pursue accreditation of the college in an expeditious manner; and (6) meet any additional requirements as agreed to by the College and Borough.

As a non-profit corporation organized under the statutory requirements of the State of Alaska, the Ilisagvik College shall be an independent legal entity and may in that name: (1) sue and be sued; (2) receive and hold real and personal property; (3) contract and be contracted with; (4) establish policies and practices unique to its function; and (5) in accordance with local, state and federal law, take other actions as necessary to carry out the purposes of the institution.

(Ord. 85-23-2, passed 8-4-92; Res. 95-6, passed 11-21-95; Am. Ord. 85-23-3, passed 12-5-95)

§ 8.02.040 - GOVERNANCE.

The members of the corporation shall consist of individuals holding office of North Slope Borough Assembly member. Such individuals shall remain members of the Corporation until their successors on the assembly take office. The affairs of the corporation shall be managed by a Board of Directors. The directors shall be appointed from a list of nominations submitted to the Assembly by the Mayor of the North Slope Borough, as follows:

- (A) Nine directors, one from each village on the North Slope and one at large. The College shall solicit for the Mayor's consideration nominations from all North Slope Borough villages, village corporations and from civic and public bodies.
- (B) One director recommended by the Arctic Slope Regional Corporation.
- (C) One director recommended by the North Slope Borough School District.

No person may be selected as director who does not reside within the North Slope Borough. Any Board member who ceases to be a resident of the North Slope Borough during her/his term of office shall automatically forfeit the Board seat.

('75 Code, § 8.05.090)(Ord. 85-23-1, passed 9-10-90; Am. Ord. 85-23-2, passed 8-4-92; Res. 95-6, passed 11-21-95; Am. Ord. 85-23-3, passed 12-5-95; Am. Ord. No. 85-23-4, § 4, passed 12-6-16)

§ 8.02.050 - BUDGET.

The Board shall submit a budget request through the Mayor to the Assembly in accordance with the budget process and timeliness established by the Mayor for each Borough fiscal year. This request shall be accompanied by a report to the Mayor and the Assembly setting out the annual accomplishments of the post secondary education program.

(Ord. 85-23-2, passed 8-4-92; Res. 95-6, passed 11-21-95; Am. Ord. 85-23-3, passed 12-5-95)

State of Alaska
Department of Commerce, Community, and Economic Development
Corporations, Business, and Professional Licensing

Certificate of Amended and Restated Articles

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

ILISAGVIK COLLEGE



IN TESTIMONY WHEREOF, I execute the certificate and affix the Great Seal of the State of Alaska effective **June 10, 2022**.

A handwritten signature in black ink, appearing to read "Julie Sande", followed by a long horizontal line.

Julie Sande
Commissioner

**AMENDED AND RESTATED
ARTICLES OF INCORPORATION**

ILĪSAĠVIK COLLEGE

**ARTICLE I
CORPORATION NAME**

The name of this Corporation shall be the ILĪSAĠVIK COLLEGE.

**ARTICLE II
DURATION**

The duration of this Corporation shall be perpetual unless terminated as provided in these Articles.

**ARTICLE III
PURPOSE**

The Corporation is organized and shall be operated exclusively for educational, scientific, literary, and charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), including without limitation, the establishment, maintenance, and operation of a public college that provides quality post-secondary academic, vocational and technical education in a learning environment that perpetuates and strengthens Iñupiat culture, language, values, and traditions.

**ARTICLE IV
AUTHORITY**

Section 1. This Corporation is formed pursuant to Title 10, Chapter 20 of the Alaska Statutes, governing nonprofit corporations. In accordance with the statutes, the Corporation shall undertake such lawful acts as are reasonably necessary to carry out its exempt purposes.

Section 2. Notwithstanding any other provision of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Code or (b) by a corporation contributions to which are deductible under section 170(c)(2) of the Code.

Section 3. No part of the net earnings or assets of the Corporation shall inure to the benefit of any private shareholder or individual, including without limitation its members, directors, trustees, and officers; provided, however, the Corporation may pay reasonable

compensation for services and to make such lawful payments and distributions in furtherance of the purposes set forth in Article III, above.

Section 4. No substantial part of the activities of the Corporation shall be carrying on propaganda, or otherwise attempting to influence legislation, except as otherwise provided in Section 501(h) of the Code, and the Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

ARTICLE V MEMBERSHIP

The members of the Corporation shall consist of individuals holding the municipal office of North Slope Borough Assembly member. Such individuals shall remain members of the Corporation until their successors on the assembly take office.

ARTICLE VI BOARD OF DIRECTORS

Section 1. The affairs of the Corporation shall be managed by the Board of Directors, except as provided in these Articles.

Section 2. The number of directors appointed to the Board of Directors shall be twelve (12).

Section 3. The members of the Corporation shall fill vacancies of the Board of Directors of the Corporation at an annual meeting held in December, in conformance with the terms of Article VI, Section 4, of these of these Articles. The directors shall be selected from a list of nominations submitted to the members by the Mayor of the North Slope Borough, as follows:

- (A) Nine directors, one from each village on the North Slope and one at large. The College shall solicit for the Mayor's consideration nominations from all North Slope Borough villages, village corporations and from civic and public bodies.
- (B) One director recommended by the Arctic Slope Regional Corporation.
- (C) One director recommended by the North Slope Borough School District.

- (D) One director recommended by the Iñupiat Community of the Arctic Slope.

No person may be selected as director who does not reside within the North Slope Borough. Any director who ceases to be a resident of the North Slope Borough during her/his term of office shall automatically forfeit the Board seat.

In selecting directors, the members shall seek to appoint persons who provide reasonable representation of the various economic interests of the community, and who bring knowledge and skills to the board that will assist in the operation of the college.

Section 4. Each director shall serve a term of five (5) years commencing on January 1, following their selection. Should a director's seat become vacant for any reason during a term, the Mayor of the North Slope Borough shall submit nominations to the members who shall conduct a regular or special meeting to select a director to fill the unexpired portion of the term; provided, that no requirement exists to select a director where the remaining unexpired portion of the term is less than 60 days.

Section 5. The president of the College and the North Slope Borough Mayor or his/her designee shall be non-voting, ex-officio members of the board.

Section 6. All meetings of the Board of Directors shall meet the Open Meetings Act requirements of A.S. 44.62.310.

Section 7. Other matters of the Corporation pertaining to the operation of the Board of Directors, including the duties of officers, shall be set out in the Bylaws.

ARTICLE VII DISSOLUTION

The Corporation may be dissolved only upon the affirmative vote of a majority of the Board of Directors. Upon the dissolution or final liquidation of the Corporation, the Corporation's Board of Directors, after paying or providing for payment of all liabilities of the Corporation, shall distribute the remaining assets of the Corporation to such organization or organizations described in Sections 501(c)(3), 170(c)(2), and 2055(a)(2) of the Code, that, in the sole judgment of the Board of Directors, have purposes similar to those of the Corporation, or shall be distributed to the federal government, or to a state or local government for a public purpose. Any such assets of the Corporation remaining after payments and distributions provided above in this Article VII may be disposed of by the Superior Court, Second Judicial District, State of Alaska, to the organizations described above in this paragraph and exclusively for the purposes described above in Article III.

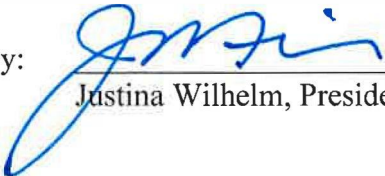
ARTICLE VIII
AMENDMENTS

Amendments to the Articles of Incorporation shall require the affirmative vote of at least two-thirds of the members of the Corporation.

These Amended and Restated Articles (a) incorporate the previously filed 1996 amendment to Articles III and VII, (b) delete Article IX, pursuant to AS 10.20.206(4); and (c) incorporate various amendments to Articles III, IV, VI, and VII, as recommended by the Board of Directors resolution adopted on March 10, 2022 and as subsequently adopted by more than two-thirds of the votes cast by the Members at duly called meeting held on April 5, 2022, at which a quorum was present. These Amended and Restated Articles correctly set out the provisions of the Articles of Incorporation as amended up to this time. These Amended and Restated Articles, with the designated amendments and deletions, and incorporations of previous amendments, supersede the original Articles and all prior amendments.

DATED at Utqiagvik, Alaska, this 16th day of May, 2022.

ILĪSAGVIK COLLEGE

By: 
Justina Wilhelm, President

By: 
Harlee Harvey, Secretary

By: 
Debby Edwardson, Chairperson



İLISAĠVIK
COLLEGE

ANNUAL REPORT 2021

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LEADERSHIP

MESSAGE FROM THE PRESIDENT



I am pleased to share with you our 2021 Annual Report. This year's annual report theme is Piḡpakḡutiḡaḡniḡ sulī Qiḡsiksrautiḡaḡniḡ Utuḡḡanaanun Allanullu – Love and Respect for Our Elders and One Another. As a Tribal College that is deeply grounded in our Iḷupiaḡ values, we learn from our Elders and community members, ensuring that our local and traditional knowledge is represented across Iḷisaḡvik.

Iḷisaḡvik College recently had the opportunity to host two Utḡiaḡvik Elders on campus, Rex and Leona Okakok, who shared their knowledge with our Iḷisaḡvigmiut. Mr. Okakok said, “You not only look at something, you feel it with your heart,” when explaining about the history of Kivḡiq. He further shared about the Iḷupiaḡ Iḷua and the Iḷupiaḡ soul, explaining the feeling from within and its importance in personal and community decision-making. I am grateful for

our Elders who take time to share their knowledge and insight, which helps inform and guide Iḷisaḡvik's activities, geared towards our mission-centered education.

While the COVID-19 pandemic introduced new obstacles for Iḷisaḡvik College, our students, staff, and faculty rose to these challenges, pivoting and adapting as needed. Sometimes this meant coming together virtually instead of in-person; sometimes it meant being flexible in new ways; and sometimes it meant stepping back from previously-held plans in order to be as safe and health-oriented as possible. Through all of the uncertainty, we have experienced a real sense of community, perseverance, and that omnipresent value of loving and respecting one another. Quyanaqpak to our students for continuing with their educational goals despite these obstacles, and quyanqpak to our staff and faculty for being flexible during the pandemic's many impediments.

Iḷisaḡvik College values the importance of our local, state, and national partners that allow us to provide quality higher education via distance or in-person. This past year we added a dedicated position to support our dual-credit partnerships, continued our village workforce roundtables that provide direct feedback from our communities, and revamped our Technology and Indigenous Human Services programs to better support our students.

I want to thank the faculty and staff of Iḷisaḡvik College and congratulate our students for choosing Iḷisaḡvik College as your choice of higher education. Quyanaqpauraḡ for a wonderful year!

A handwritten signature in blue ink, reading "Justina Wilhelm".

JUSTINA WILHELM
PRESIDENT



PIQPAKKUTIQAGNIQ SULI QIKSIKSRAU- TIQAGNIQ UTUQQANAANUN ALLANULLU

LOVE AND RESPECT FOR OUR ELDERS AND ONE ANOTHER

As we move forward into our new normal, we look back and think about what we have learned from our Elders and community. Within this reflective process, we are continually reminded of how much love and respect we have for our Elders and one another. As we hear firsthand from our Elders, we are able to embed their wisdom and knowledge into Iḷisaḡvik College. Our chosen value reminds us how important our mission of education is and how far we can go if we incorporate the wisdom of love and respect to ourselves and others.

We are grounded in our Iḷupiaq values that help mold who we are today as Iḷupiaq. There are many interpretations and experiences of the value of 'Love and Respect for our Elders and One Another.' Some may say it is listening more, talking less. Some may say it is asking about the culture, language, values, and traditions. Some may say it is allowing an Elder to be served first at a meal, or as simple as observing a group of individuals share belly laughs. It can be seeing a picture of an Elder who passed and hearing someone share a story about that Elder.

Coming out of a pandemic, moving into our new normal, we know connection means more today than ever. From a simple phone call or Facetime asking for advice or for a recipe, to a contactless drop-off of store staples at a loved one's doorstep, all are acts of love. This Annual Report, we reflect on this value: let us not lose our sense of Love and Respect for our Elders and One Another. At Iḷisaḡvik, we say quyanaq for the opportunity to serve the North Slope.

TIKISAKSRAQ: VISION

Ikayuutauluta Nunaaqiñun Suanñaktaaglugit Iłisañnikunlu Surağallasiñikunlu.

To help build strong communities through education and training.



2020-2021 BOARD OF TRUSTEES



Debby Edwardson
Chairperson
At-Large



**Amos AguvlukNa-
shookpuk**
Vice-Chairperson
Wainwright



Harlee Harvey
Secretary
Point Hope



Angelene Faulkner
Treasurer
Anaktuvuk Pass



**Ida Angasan
Kaktovik**



Roxanne Brower
ASRC

SIVUNIQ: MISSION

Iḷisaġvik College ḷḷisalluatagvīaqṭitchīruq ḷḷisavsaallasiniġmun, savaaqallasiniġmun sulī sum savagnaġniġa-
gun ḷḷisaġvīaqḥutiġ sivunmun sulī suanġḥaktaallavlugu ḷḷupiat iṇuuniagusiāt, ḷḷupiuraagṇiġat, piqpagiraṇisi-
gun, sulī piraġausiṇisigun.

Naparuq ikayuutauvluni ilisaqtuanun suli naupkaqlugi ilitchiiluatanaaruat suli anniqsuutaullasinaaruat savaktiksrat North Slope-milu state of Alaska-milu.

Iᓵsaġvik College provides quality post-secondary academic, career and technical education in a learning environment that perpetuates and strengthens Iᓵpiat culture, language, values, and traditions.

It is dedicated to serving its students and developing a well-educated and trained workforce who meet the human resource needs of North Slope employers and the state of Alaska.



Nora Jane Burns
NSBSD



**Heather Dingman
Utqiagvik**



James Henry Point Lay



**Dora Leavitt
Nuigsut**



**Patricia Lloyd
Atgasuk**

ILISAĠVIURUGUT

WE ARE ILISAĠVIK

Iḷisaġvik College was founded to primarily serve the residents of the North Slope Borough, America's largest and most northern municipality. The intent of its founders was to provide an education based on the Iñupiaq cultural heritage.

The basis for all Iḷisaġvik's educational programs is the rich foundation of a subsistence culture in harmony with the land and seas that give it sustenance.

Iḷisaġvik is rooted in the ancestral homeland of the Iñupiat. As an institution, we are "Unapologetically Iñupiaq." This means exercising the sovereign inherent freedom to educate our community through and supported by our Iñupiaq worldview, values, knowledge, and protocols. The Iñupiaq way of life is woven into our curriculum, programs, activities, and daily interactions within Iḷisaġvik and our community partners.



UNAPOLOGETICALLY IÑUPIAQ

Being “Unapologetically Iñupiaq” means that everyone is welcome, but when you elect to attend Iḷisaḡvik, or when you elect to work at Iḷisaḡvik—because we are electing to—students, staff and faculty are going to experience an Iñupiaq experience.

“Unapologetically Iñupiaq” means exercising the sovereign inherent freedom to educate our community through and supported by our Iñupiaq worldview, values, knowledge and protocols.

It is Iñupiaq to be respectful to all people.

WHAT DOES TRIBAL EDUCATION MEANS TO IḷISAḡVIK COLLEGE

- Free tuition for Alaska Native and Native American students.
- Free Iñupiaq language classes to all.
- Cultivating an organizational environment that prioritizes Iñupiaq culture, language, values, and traditions for staff, faculty and students.
- Iḷisaḡvik will be elementally integrated with the Iñupiaq community by providing opportunities to connect with students, staff and faculty (on-site or community events, guest speaker opportunities, student presentations, etc.).
- Implement and/or amend institutional policies, procedures, and guidelines in order to support tribal higher education initiatives and align with Iñupiaq culture, language, values, traditions, and worldview.

THE IÑUPIAQ VALUES

Qiksiksrautiqaḡniq Iñuuniagvigmun – Respect for Nature

Signataiññiq – Sharing

Iñupiuraallaniq – Knowledge of Language

Paammaaḡiigñiq – Cooperation

Iḷagiigñiq – Family and Kinship

Piqpakkutiqaḡniq suli Qiksiksrautiqaḡniq Utuqqanaanun Allanullu

– Love and Respect for Our Elders and One Another

Quvianḡuniq – Humor

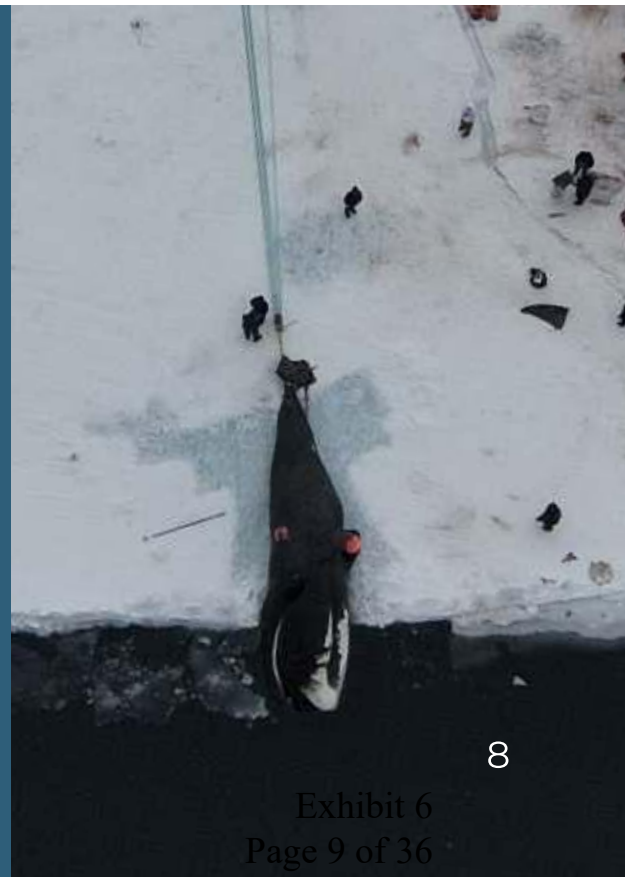
Anuniallaniq – Hunting Traditions

Nagliktuutiqaḡniq – Compassion

Qiñuiññiq – Humility

Paaḡlaktautaiññiq – Resolution of Conflict

Ukpiqutiqaḡniq – Spirituality



ENROLLMENT STATISTICS

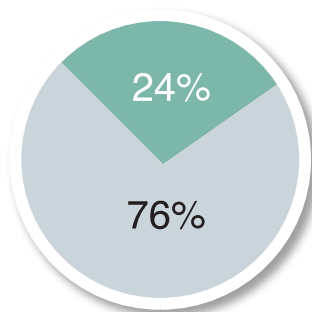
TOTAL STUDENTS ENROLLED: 911

TOTAL VILLAGE PARTICIPATION: 338

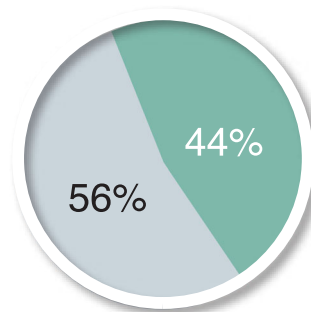
61% ALASKA NATIVE/AMERICAN INDIAN

37 PROGRAM ACTIVE GRADUATES

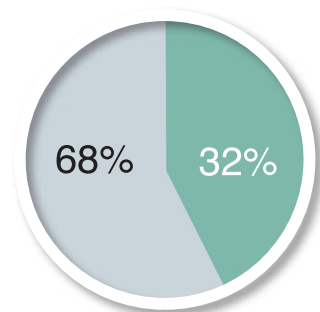
AGE



GENDER



STATUS

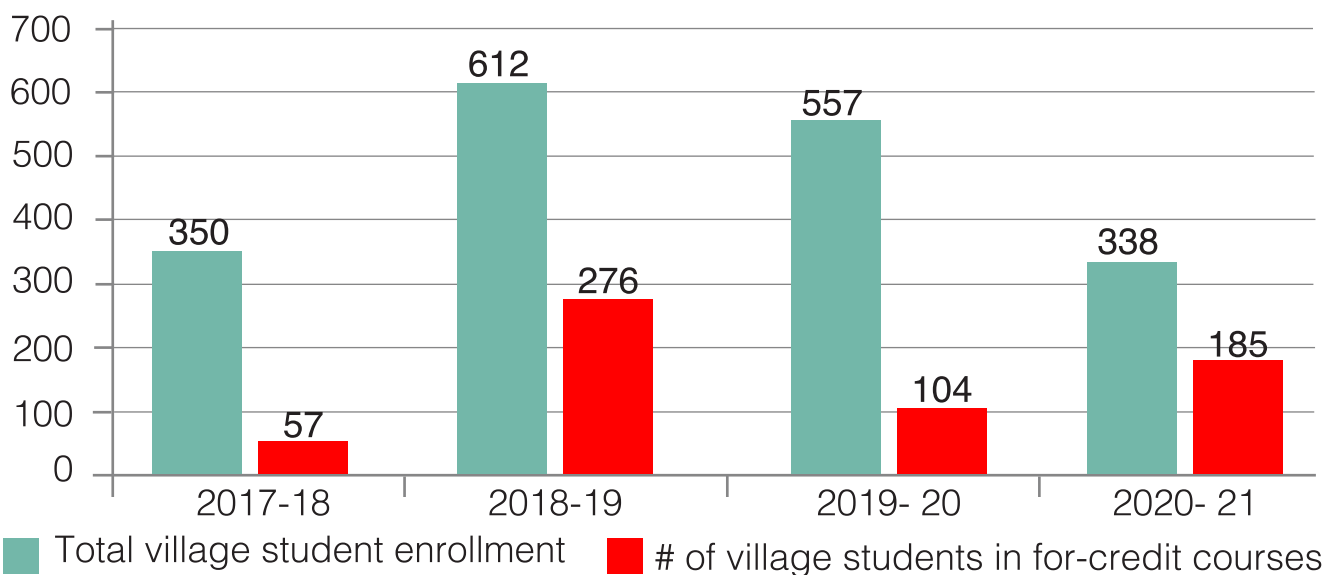


■ 25 and over ■ 24 and under

■ Female ■ Male

■ Credit ■ CEU

VILLAGE STUDENT ENROLLMENT





Health Care Pathways

All Health Care occupations are organized into 5 pathways.



- ✓ THERAPEUTIC SERVICES
- ✓ DIAGNOSTIC SERVICES
- ✓ HEALTH INFORMATICS
- ✓ SUPPORT SERVICES
- ✓ BIOTECHNOLOGY
RESEARCH AND
DEVELOPMENT



WE ARE NOT IN THIS ALONE

ILISAĞVIK DURING COVID-19

While the COVID-19 pandemic created uncertainty and tumult for all, Iłisaġvik College rose to the challenge of keeping our students, staff, and faculty safe while still prioritizing students' education. One of the benefits of being a small Tribal College is that Iłisaġvik is nimble, innovative, and was able to quickly shift to virtual and blended learning, as well as implement responsive health and safety measures.

Iłisaġvik began distributing emergency COVID-19 relief funds and internet stipends to students starting in Spring 2020. Aid and stipends have been disbursed every subsequent semester—spring, summer, and fall—since that time.



ILISAĞVIK COLLEGE EFFORTS:

DELIVERING STUDENT AID:

Total amount of COVID-19 Emergency Relief Student Aid, Student Internet Stipends:

Student Debt Dischargetment - \$508,064

Average Direct Student Aid - \$1,095

Average Student Debt Discharged - \$537

REMOVING BARRIERS:

Instituted a Technology Loaner Laptop Program for Students

Number of Students who Utilized the Program: 54

Quyanaqpak (thank you very much) to the many funders who helped fund this aid: American Indian College Fund, Iñupiat Community of the Arctic Slope, U.S. Department of Education, and U.S. Bureau of Indian Education.

We look to the future: While COVID-19 remains with us, Iḷisaḡvik will continue to transcend the obstacles the pandemic creates. While the pandemic is ever-changing and requires that Iḷisaḡvik remains responsive and pliant, one constant remains: Iḷisaḡvik students determinedly continue to pursue and flourish on their educational journeys. Our purpose is to make that journey as smooth and welcoming as possible.

“THE STIPEND GIVES ME HOPE THAT ORGANIZATIONS CARE ABOUT COLLEGE STUDENTS AND [ARE] HELPING US SUCCEED. WE ARE NOT IN THIS ALONE.”

- STUDENT QUOTE

"THE STIPEND I RECEIVED ASSISTED ME IN CONTINUING MY EDUCATION AND KNOWING WE HAVE THE SUPPORT OF OUR COLLEGE AND LOCAL TRIBAL ENTITY. I THANK YOU AND THE FOLKS WHO DECIDED TO ASSIST US STUDENTS [WITH] CONTINU[ING] TO SUCCEED DURING THIS PANDEMIC."

- STUDENT QUOTE

IMPROVING TECHNOLOGY:

Upgraded technology for students and staff, improving and/or increasing:

Accessibility

Internet Bandwidth

Distance Education Tools

PRIORITIZING HEALTH:

Increased Behavioral Tele-Health Options

Student, and Staff Vaccine Incentives

Wellness Support Opportunities



INDIGENOUS EDUCATION

The Indigenous Education Associate of Arts degree was established in 2012 focusing on early childhood education. In recent years, the focus has expanded to offer courses and degree options to better serve students interested in elementary education, paraprofessional, and language and culture education.

The certificate programs serve as stepping stones on the path toward earning the full Associate of Arts degree. All coursework accomplished through the Certificate I and Certificate II programs is applied toward the AA degree. The purpose of the certificate program in Indigenous Education is to give students the opportunity to explore the discipline, recognize and celebrate milestones toward completion of the degree, as well as demonstrate progress for current employers.

COMMENCEMENT 2021

INDIGENOUS EDUCATION ASSOCIATE OF ARTS DEGREE: 1

INDIGENOUS EDUCATION CERTIFICATE II: 3

INDIGENOUS EDUCATION CERTIFICATE I: 3

IÑUPIAQ STUDIES

Piqpakkutiqaḡniḡ suli Qiksiksrautiqaḡniḡ Utuqqanaanun Allanullu is the value of Love and Respect for our Elders and One Another. In Iñupiaq Studies, we invite Elders and community members into our classrooms and work place. We would like to acknowledge Mabel Kudralook Smith, Martha Ikayuaq Stackhouse, and MaryJane Litchard for their willingness to share their knowledge in various capacities. The transmission of traditional knowledge allows our people to continue to thrive, adapt, and practice our various cultural art styles.

- Mabel Kudralook Smith of Utqiaḡvik taught the art of skin mask making to Iñupiaq Studies staff and students.
- Martha Ikayuaq Stackhouse shared Iñupiaq traditional stories such as how whaling began, how crane got his eyes, and about the little people.
- MaryJane Litchard taught and guided Iñupiaq Studies staff the art of caribou tufting.
- Crystal Martin held an ukpik (snowy owl) acrylic painting session.
- Marjorie Kunaq Tahbone taught how to carve and light a qulliq (seal oil lamp).
- Britt'Nee Brower taught how to make sealskin earrings.
- Halehana Stepetin taught about Unangax culture through music and dance.
- Mabel Smith taught skin mask making.
- Other projects in the course include students learning how to make their own silver fox isiḡvik (ruff) and siḡi, creating their own calfskin qupak (decorative trim) design, and making an Indigenized cooking dish. The projects in the course vary each time it is offered.

Quyanaḡ Mabel, Martha, MaryJane and others for instilling the knowledge within us and our students so that we can share with others. Quyanaḡpak uummatimniḡ- thank you from our hearts. Here are some highlights from the Iñupiaq Studies Department:

- An Iñupiaq Songs and Dances class was taught virtually for the first time. Students learned a number of different songs and dances and created their own as a class, which focused on whaling. In addition they sewed their own dance mittens and performed via Zoom during the Iñupiaq Fine Arts Festival.
- In the Iñuit Art Studio course, we had a number of guest speakers who taught their skill throughout the fall semester.
- Iñupiaq Studies offered online sewing classes where students were able to learn how to make beaver hats, silver fox isiḡvik's, siḡi, and other projects.
- During the Iñupiaq Cultural Hour, Iñupiaq Studies hosted the Unapologetically Iñupiaq Speaker Series where Alaska Native guest speakers from around the state shared about their work and accomplishments.
- Weekly Iñupiaq cultural hour for students and staff.



TUZZY CONSORTIUM LIBRARY

Tuzzy Consortium Library is both the academic library for Iḷisaḡvik College as well as a public library for the entire North Slope, the largest library service area in the country. Branches in all seven of the other North Slope villages operate year-round. Named for Evelyn Tuzroyluke Higbee from Point Hope, the Tuzzy Library's first home was in Utqiagvik's Community Center next to the Bingo Hall. In 1998, the library moved into its present home in the Iṅupiat Heritage Center. It is the mission of the Tuzzy Library to provide culturally responsive services and collections that enrich the lives and expand the horizons of the people of the North Slope.

COOPERATIVE EXTENSION

During the 2020-2021 academic year, Cooperative Extension transitioned from Student Services to Iṅupiaq Studies. While we were still in a limited operations phase for much of the year, we had an outstanding response to our first-ever Qayaq Camp, with 65 students! Cooperative Extension has been behind the scenes supporting the Unapologetically Iṅupiaq Initiative via the Community Qargis, Iṅuit Day, and Indigenous Peoples' Day.

SUMMER CAMPS

Summer camps were back in force in Summer 2021 after a year hiatus due to COVID-19. The Student Services team brought Science Technology Engineering and Math (STEM) camps to the villages of Atkasuk, Point Lay, Point Hope, Nuiqsut, and Kaktovik. We also hosted a week-long overnight Sports and Leadership camp, which brought in students from the villages. We hosted day camps and workshops including Driver's Education, Iṅupiaq language and culture, Qayaq, Wilderness First Aid, and Construction. Many of these camps were held in collaboration with local partners: ASRC, Alaska Department of Fish and Game, and AK Nordic. Two-hundred sixty-eight (268) total students participated in 15 camps this summer.

Students have the opportunity to learn about acceptance, caring, and understanding. In some cases Iḷisaḡvik's summer camps are students first time away from family and home. Therefore, it is Iḷisaḡvik's job to rise to the challenge and help students learn to rely and trust in themselves. During camp, students have the opportunity to have authentic college experiences. Hands-on activities in the outdoors stimulate all senses and facilitate learning. Students become more aware of the environment, develop skills and appreciation for the opportunities.





PROGRAM HIGHLIGHTS



DISTANCE EDUCATION

In the past year, our division of Distance Delivery (distance learning), Educational Technology, and Online Learning has invested many hours of training and development in new technologies for teaching and learning. We continue to prioritize upgrades to our Village Teleconference Center computers with MS Office updates, Zoom, G-suite applications, and new branding.

New technology hardware has been purchased to allow for more effective communication among staff and faculty: web cameras, speakers, headsets, and microphones. Neat Bars will be added to each learning space as well as touch display monitors. A Neat Bar is a meeting device (web cam, speaker and microphone) that transforms each learning space into a Zoom Room.



NEW PROGRAMS

We have been continuing to enhance our **Allied Health Program** - balancing westernized and Indigenous health practices. By popular demand and community need we have developed a **Pre-Nursing Program**. This is a certificate program conducted in partnership with Alaska Pacific University (APU) for the purpose of preparing students to enter the APU nursing program. Three students are already enrolled and pursuing this course of study. The **Indigenous Human Services Program** offers both a certificate and an Associate of Applied Science Degree. It has replaced the Behavioral Health Aide program. The program emphasizes social work in human services and is designed specifically for service with native populations. Five students, including two of whom are completing their Behavioral Health Aide work, are in this program.

A FOCUS IN TECHNOLOGY

In the Information Technology program, we recognize that technology use and tools may not be the same for everyone. We offer opportunities to learn digital skills for creative, analytical, and/or technical purposes. Whether you want to create a video capturing the magic of Kiviġiq, crunch numbers for your budget presentation to the North Slope Borough Assembly, or prevent a network outage at City Hall, we have courses and programs for you. Our Computer Foundations endorsement is a great add-on credential for a students to demonstrate computer skills, no matter what field they are studying or work in. The Digital Arts in the Arctic certificates incorporate both technical courses in video, photography, and design with Iñupiaq Studies courses needed to appropriately showcase our amazing culture and environment. The Data Analysis certificates include courses needed for a job in business, data analytics, or cybersecurity, all of which are in high demand On-Slope and in the State of Alaska. Our ongoing status as an Oracle Academy Institution provides North Slope students an opportunity to earn a globally-recognized credential. The IT Support Specialist certificates prepare you for jobs in PC and network support. A new relationship with Google helps students earn in-demand industry certifications here at home.

CAREER SUPPORT FOR THE OFFICE

Our Office Management program offers opportunities to improve your Microsoft Office skills, provide credentials to help students succeed in an office environment, and progress towards a four-year business degree. Also our Office Productivity Endorsement help students build their skills in the latest spreadsheet, document, and presentation software. After listening to the communities' need for a more robust office workforce we have created new Computer Foundations endorsement to demonstrate job-essential computer knowledge and a pilot program to more regularly offer core PC support classes. We have new involvement with the Grow with Google program which means we can offer classes for local entrepreneurs to find new customers (and help customers find them.) We strive to support and grow our local businesses and entrepreneurs.



TRAINING OUR LOCAL WORKFORCE

THE VEWFD PROGRAM

The Vocational Education and Workforce Development (VEWFD) program continues to promote educational programs to our community. VEWFD also works with employers in Utqiagvik, the villages and other regions to ensure that all residents receive the best skill trainings they need to conduct their job and, or while they are seeking for employment in their communities. VEWFD supports trade school and is very willing to ensure that each employer continue to receive specialized training needs for their employees.

COMMERCIAL DRIVERS LICENSE

With COVID-19 still in effect, Ilisaqvik College had some challenges providing in-person classes. At this time, CDL and Driver's Education classes have been offered in Kaktovik, Point Lay, Nuiqsut and Utqiagvik. We had a total of 37 students complete CDL Trainings, and four (4) students obtaining their Restricted/Unrestricted Alaska Driver's License.

HIGHLIGHTS

- With COVID-19 restrictions, in-person classes were able to continue with help from distance learning tools such as ZOOM.
- Our Training Facilitator maintained certifications to conduct North Slope Training Course (NSTC), Aerial Lift, and the Mandt System (conflict resolution and de-escalation in the workplace) certifications.
- 94 students received their Industrial Safety certifications.
- 23 students received their Standard First Aid and CPR/Basic Life Support certifications.
- 13 students received their Mandt certifications.



EMPLOYERS SERVED

Arctic Slope Native Association (ASNA)
Arctic Slope Regional Corporation (ASRC)
ASRC Construction Holding Company
(ACHC)
Barrow Utilities & Electric Cooperative
Incorporated (BUECI)
City of Kaktovik
ConocoPhillips
Eskimos Inc. Napa
Fairbanks North Star Borough School
District
Hiland Mountain Correctional Center
(HMCC)
Inupiat Community of the Arctic Slope
(ICAS)
ICAS Vocational Rehabilitation
Iñupiat Heritage Learning Center (IHLC)
Kuna Engineering
Kuukpiik Corporation
Metlakatla Indian Corporation (MIC)
Native Village of Barrow (NVB)
Native Village of Nuiqsut (NVN)
Nome Utilities
North Slope Borough Arctic Women
In Crisis (AWIC)
North Slope Borough
Children & Youth Services (CYS)
North Slope Borough Fire Department

North Slope Borough Health Department
North Slope Borough Human Resources
North Slope Borough Mayor's Office
North Slope Borough Planning
North Slope Borough Public Works
North Slope Borough Risk Management
North Slope Borough Sanitation
North Slope Borough School District (NSBSD)
North Slope Borough Search & Rescue
North Slope Borough Shipping & Receiving
Olgoonik Corporation
PetroStar
SKW Eskimos Inc.
Taġiuġmiullu Nunamiullu Housing Authority
(TNHA)
Tikigaa Corporation
Top of the World Hotel
Tuzzy Consortium Library
Ukpeaġvik Iñupiat Corporation (UIC)
Ukpeaġvik Iñupiat Corporation (UIC)
Real Estate
Ukpeaġvik Iñupiat Corporation (UIC) Science
Ukpeaġvik Iñupiat Corporation (UIC) Umiaq
Ukpeaġvik Iñupiat Corporation Sand & Gravel
Yukon Koyukuk School District



IGLAURUGUT SIVUNMUN

WE ARE MOVING FORWARD

Together, we have an opportunity to build the future of education in the arctic with bold and sustainable purpose. For over twenty years, Iḷisaḡvik College has stood as an exemplar of Tribal higher education, engendering lifelong learning within the holistic principles of Iḷupiaqatigiigñiq (the twelve Iḷupiaq values). Now, as we stride into the future, we embark on a journey to build a new college campus that reflects the innovation, importance, and integrity of our educational mission. Our new campus will be a community and global effort, and our new campus will be a public testament to higher learning and Iḷupiat culture.

Iḷisaḡvik College is on the forefront of so many changes—from climate challenges, to the Indigenous sovereignty movement, to the push for innovative energy sources and environmental stewardship—and the new campus that we are dreaming towards will provide a dynamic and breathable space that catalyzes learning and critical thinking. Our new campus is an opportunity for our communities to come together and create a center of knowledge that will serve as a circumpolar educational beacon.

“IḷISAḡVIK COLLEGE WINS BECAUSE OF OUR STUDENTS... OUR FUTURE IS IN THE HANDS OF IḷISAḡVIK COLLEGE.”

- LILLIAN AANA LANE, COMMUNITY MEMBER



NEW ILISAĠVIK COLLEGE CAMPUS

The new Iḷisaġvik College campus will be grounded in Iñupiaq values and adaptable to the needs of an evolving student body to foster educational excellence. Drawing from our Iñupiaq culture, our new campus will be:

**STUDENT-FOCUSED
ENVIRONMENTALLY SUSTAINABLE
TECHNOLOGICALLY INNOVATIVE
SPATIALLY ADAPTABLE, AND
TIMELESS IN DESIGN**

We are currently in the design phase of building our new college campus and we need your help to secure funding.
Here is how can you support and advocate for a new campus:

- Send a letter to your local Council Members, Tribal Representatives, or local Assembly to share your stories and why you support Iḷisaġvik's New College Campus
- Support on an individual level by donating online at www.ilisagvik.edu/about-us/nicc/ or mailing your check to **Iḷisaġvik College PO Box 749, Utqiaġvik, AK 99723**



2021 GRADUATES

Angelica Afcan

Brandon Hickman

Claudia L Sampson

Maliyah Marie Bilyeu

Tristyn Nicole Hollis

Rachel Deborah Schierholt

Ian Blandov

Kaela Hoyt

Raquel Lauree Schroeder

Stephanie Brower

Alicia Lynch

Natalia Shantz

Laurie Buxton

Florence M Ningeok

Marie Gene Stackhouse

Rebecca Carl

Naomi Aaglu Omnik

Ha'avale Tuilautala

Ethel Clauson

Jacynthia Sarah Oprenov

Emily Weech

Jodi Crandall

Kristine C. Penney

Jerilynn B Wellert

Wesley Roberts Dalton

Jenny Lee Phillimore

Natalee Wigen

Lee Guthrie

George L. Pimental Jr.

Kimberlee Ann Williams

Jacob D Harris

Izabella Powers

Laura Winters

Alexander Edward Harvey

Jasmine J. Reich

Amanda Gem Hayward

Ramona Rock





IDA OLEMAUN
2020 HONORARY
DEGREE RECIPIENT

EMMA BODFISH
2021 HONORARY
DEGREE RECIPIENT
(NOT PICTURED)

TARA KATUK SWEENEY
KEYNOTE SPEAKER

33
CERTIFICATES

45
ENDORSEMENTS

5
ASSOCIATE OF ARTS

16
ASSOCIATE OF APPLIED SCIENCE



SCHOLARSHIPS

SCHOLARSHIP SOURCES:

Alaska Commission of Postsecondary Education	Doyon Foundation	North Slope Borough
Arctic Education Foundation	Indian Land Tenure Iñupiat Community of the Arctic Slope	Native Village of Barrow
American Indian College Fund	Indigenous Education, Inc.	Olgoonik Foundation
American Indian College Fund - Tribal Colleges & Universities	Kawerak, Inc.	Sealaska Heritage Institute
American Indian Services	Ketchikan Indian Community	Southeast Alaska Regional Health Consortium
Aqqaaluk Trust	Knik Tribe	SNC Trust
Association of Village Council Beringa	Lower Elwah Klallam Tribe	Swinomish Indian Tribal Community
Bristol Bay Economic Development Corporation	Nana Regional Corporation, Inc.	The Ciri Foundation
Calista Education and Culture, Inc	Native Village of Point Hope	Tigara Educational Foundation Inc.
Chugachmiut	Northwest Portland Area Indian Health Board	UIC Foundation Inc.
City of Utqiagvik	Norton Sound Economic Development Corporation	Yukon-Kuskokwim Health Corporation

American Indian College Fund
Student of the Year:

UPS Foundation Tribal College Scholarship:

Coca-Cola Foundation First Generation Scholarship:

649

STUDENTS AWARDED

\$735,018

TOTAL AWARDED

\$1,132

AVERAGE



REVENUES & EXPENSES

FY21 REVENUES

NON-OPERATING REVENUE

Local appropriation from the NSB	\$ 10,128,837
TO SUPPORT:	
Ilisaġvik College	
Tuzzy Library	
Village library operations	
AE/GED	
Village Academic Services	
In-kind lease contribution from the NSB	2,794,633

TOTAL NSB CONTRIBUTION

\$ 12,923,470

NON-OPERATING REVENUE

Private grants and gifts	653,965
PERS contribution from State of Alaska	550,295
Investments income (loss)	(4,123)
PPP Loan Forgiveness	1,981,787

TOTAL NON-OPERATING REVENUE

\$ 3,181,924

OPERATING REVENUE

Tuition and fees	405,853
Auxiliary enterprises (Dorms/Food/Bookstore)	398,792
Grants and contracts	7,224,260
Other operating revenue	132,128

TOTAL OPERATING REVENUE

\$ 8,161,033

TOTAL REVENUE

\$24,266,427

FY21 EXPENSES

Instruction	\$ 410,159
Institution	4,613,602
Auxiliary enterprises	135,057
Academic support	1,852,051
Operations and maintenance	3,949,063
Student services	1,321,294
Depreciation	311,518

TOTAL OPERATING EXPENSES

\$ 16,292,744

Transfer to Iḷisaḡvik College Foundation	364,868
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TOTAL EXPENSES

\$ 16,657,612

Change in Net Position	7,608,815
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TOTAL EXPENSES +

CHANGE IN NET POSITION

\$24,266,427



GRANTS

2020 - 2021

Ascendium Education

Project Success Paid Internship Program

Achieving the Dream

Holistic Student Support

Alaska Dept. of Education & Early Development

Public Library Assistance Grant (Village Library Operation)

OWL Internet Award

Carl D. Perkins Professional

Alaska Dept. of Health & Human Services

Adult Basic Education/Tutors (Contract)

Alaska Dept. of Labor and Workforce Development

Adult Basic Education: Instruction

Technical Vocational Education Program (TVEP)

Alaska Mental Health Trust Authority

Developing the New Iḷisaḡvik College Campus

Alyeska Pipeline Service Company

Alaska Native Program Scholarship Awards

American Indian College Fund

TCU Faculty Emergency Aid Associated with Covid-19 Pandemic

Emergency Aid for Student Success Associated with Covid-19 Pandemic

Technology Emergency Aid Associated with Covid-19 Pandemic

Transformative Response Aid Funding

COVID Aid for Student Success (2021 CASS)

Community Based Native Arts Learning and Sharing Grant

NEH Cultural Preservation Grant

Arctic Slope Community Foundation

Donor-Advised Contribution to Iḷisaḡvik College

Arctic Slope Native Association (ASNA)/US Dept. ED/US DHHS

Support for the Uqautchim Uglua (UU)

Language Nest Program

Diabetes Prevention and Treatment Program of the North Slope

Alaska Native Program – SISamat (Four)

Strategies for Iḷupiaq Success Project

Bureau of Indian Affairs/BIA-BIE

Tribal Controlled College Assistance

Covid-19 CARES Acts I and II Funding (Education Stabilization Fund)

Covid-19 American Rescue Plan Act (Education Stabilization Fund)

TCU Facilities Improvement and Repair (FI&R)

Council on Library and Information Resources

Digitizing Hidden Special Collections and Archives

ECMC Foundation

COVID-19 Rapid Response Small Grant

First National Bank

Student internships for qualified low-income students

First Nations Development Institute

Establishing an Elder Residency Program at Iḷisaḡvik College

Covid-19 Emergency Relief Grant Program

National Congress of American Indians

Covid-19 Response Funds

National Science Foundation (NSF)

Documenting Endangered Native Alaska Language

Integrating Snow Chemistry into the Classroom

North Slope Borough

Language Revitalization-Mentor/Apprentice Program

Rasmuson Foundation

Upgrades to Telephone, Technology and Surveillance Systems
Upgrade Technology for Online Programing
Maintenance van in Utqiagvik

The Alaska Community Foundation/Alaska Dept. of Health and Social Services

Coronavirus Nonprofit Relief Fund
Rotary Cares Disaster Relief Fund

The Andrew W. Mellon Foundation

Enhance Recruitment and College Readiness

Truth Initiative

Tobacco Free Task Force

US Department of Education

TCCU / Title III – Strengthening Student Support Services
TCCU / Title III – Developing Faculty and Staff
Alaska Native Education Program – Iñupiaq Cultural Education at Iḷisaḡvik College
Alaska Native and Native Hawaiian Serving Institutions - Improving Student Engagement and Graduation and Retention Rates at Iḷisaḡvik College
Higher Education Emergency Relief Fund (HEERF) TCCU/MSI
Higher Education Emergency Relief Fund (HEERF) Institutional Aid
Higher Education Emergency Relief Fund (HEERF) Student Aid

US Department of Interior /US Fish and Wildlife Service

North Slope Youth Engagement, Education, Employment, and Research Program and Opportunities

US Department of Health and Human Services Administration for Children and Families

Native Youth Initiative for Leadership, Empowerment and Development (I-LEAD)

US Institute of Museum and Library Services/ ASRC

Native American Library Services/Basic Grant

USDA-NIFA (National Institute of Food and Agriculture)

Tribal Colleges Endowment Program – Student Recruitment
Extension Capacity Grant (Community Partnership: Extension Office Capacity Building Project)
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Facilitating Tribal Students Retention and Persistence in College with BH and Academic Support

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The IĻisaĖvik College Foundation is a 501c3 nonprofit that operates as an endowment fund for the benefit of IĻisaĖvik College. It serves to build and facilitate the long-term fiscal stability and health of the College and its students.

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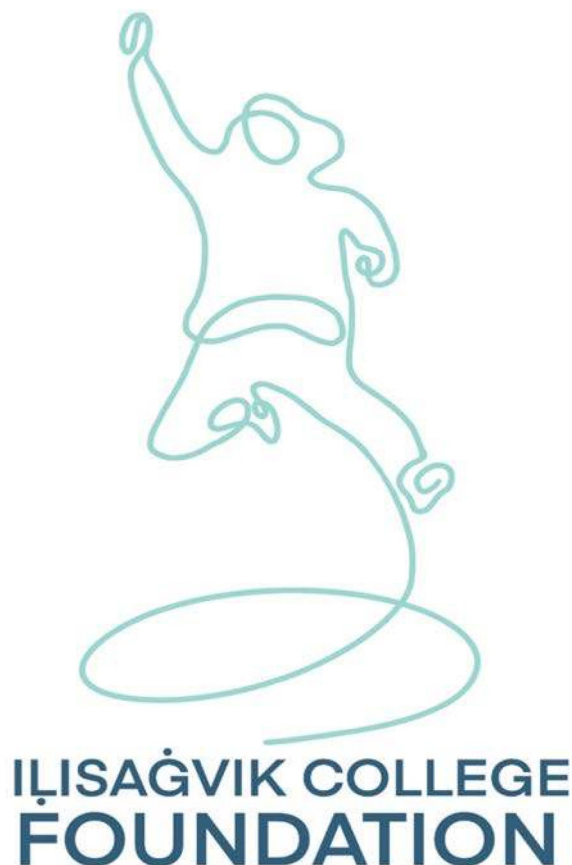
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or mailing a check to

IĻisaĖvik College Foundation

P.O. Box 749

UtqiaĖvik (Barrow), Alaska 99723



The mission of the Foundation is to operate as an endowment fund for the benefit of IĻisaĖvik College, and to solicit, receive, hold, invest and administer property for and on behalf of IĻisaĖvik College; to aid and assist in the development, maintenance, promotion, growth and preservation of IĻisaĖvik College, its faculty, students, staff and facilities; to provide funds for the expenditure by the Board of Trustees of IĻisaĖvik College in their discretion for and on behalf of IĻisaĖvik College; and to promote the general welfare of IĻisaĖvik College.

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ADVISORY OPINION DECISION
Alaska Public Offices Commission

Advisory Opinion: **AO-10-12-CD – Requested by: Alaska Mental Health Board, Advisory Board on Alcohol and Drug Abuse**

Commission Meeting Held: July 12, 2010

Commission Action: The Commission approved the advice in this Advisory Opinion by a vote of 5 – 0.

The advice in this opinion applies only to the specific activity for which the advice was requested.

SO ORDERED THIS 12TH DAY of July, 2010.



Elizabeth J. Hickerson, Chair
Alaska Public Offices Commission

STATE OF ALASKA

Department of Administration

Alaska Public Offices Commission

SEAN PARNELL, GOVERNOR

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July 1, 2010

Kate Burkhardt, Executive Director
Alaska Mental Health Board and Advisory Board on Alcohol and Drug Abuse
431 N. Franklin Street, Suite 200
Juneau, Alaska 99801

Re: **AO-10-12-CD** – Kate Burkhardt, Executive Director of the Alaska Mental Health Board and Advisory Board on Alcohol and Drug Abuse, seeks clarification regarding whether the boards may take a formal position on a ballot measure and advocate for or against a ballot measure without an appropriation of funds for that purpose.

Dear Ms. Burkhardt:

This letter responds to your June 7, 2010 request for an advisory opinion under AS 15.13.374 on behalf of the Alaska Mental Health Board and Advisory Board on Alcohol and Drug Abuse.

QUESTIONS PRESENTED

1. Without an appropriation of funds for this specific purpose, may the Alaska Mental Health Board and Advisory Board on Alcohol and Drug Abuse:
 - a. Consider Ballot Measure #1 ("BM1")¹ during the course of a public board meeting?
 - b. Take a formal position regarding BM1?
 - c. Direct staff to communicate that position to stakeholders and/or the public?

¹ Initiative 07ANCO, known as the "Alaska Anti-Corruption Act" will be Ballot Measure #1 in the August 2010 Primary Election.

2. If the Alaska Mental Health Board and Advisory Board on Alcohol and Drug Abuse may take a formal position on BM1 without a specific appropriation of funds, may the boards then:
 - a. Develop partnerships with stakeholders and organizations with a common position?
 - b. Expend staff and financial resources on the education of the public about the initiative?
 - c. Expend staff and financial resources to provide information, tools and support to grassroots and self-advocates?

SHORT ANSWERS

1. The boards may discuss and entertain a motion to take a position on BM1 during the course of a public meeting, take a formal position on BM1, draft and adopt a resolution regarding their position, and communicate that position or resolution to the public through the boards' normal course of communicating such actions. The boards may do so absent a specific appropriation of funds because such action falls within the usual and customary performance their duties.
2. Absent a specific appropriation, the boards may not engage in the advocacy efforts described above (including developing partnerships, providing information to the public, or providing support to grassroots and self-advocates), which extend beyond taking a formal position on BM1. Such activities are intended to influence the outcome of the election on BM1 and are not within the usual and customary performance of the boards' duties.

FACTS

I. Organization Background Information

The Alaska Mental Health Board ("AMHB") and the Advisory Board on Alcoholism and Drug Abuse ("ABADA") "are the state agencies charged with planning and coordinating behavioral health services funded by the State of Alaska. The joint mission of AMHB and ABADA is to advocate for programs and services that promote healthy, independent, productive Alaskans." www.hss.state.ak.us/amhb/mission.htm; www.hss.state.ak.us/abada/mission.htm. The boards operate together and share an executive director and staff. See www.hss.state.ak.us/amhb/staff.htm; www.hss.state.ak.us/abada/contact.htm. Specific information on each board follows:

A. Alaska Mental Health Board ("AMHB")

AMHB exists within the Department of Health and Social Services. It is the "state planning and coordinating agency for the purposes of federal and state laws relating to the mental health program of the state. The purpose of the board is to assist the state in ensuring an integrated comprehensive mental health program." AS 47.30.661. The members of the board are appointed by the Governor. AS

47.30.662. They do not earn a salary, but are entitled to reimbursement for expenses authorized for boards and commissions. AS 47.30.667.

Under AS 47.30.666, the board is required to perform the following duties "on behalf of persons with mental disorders":

1. prepare and maintain a comprehensive plan of treatment and rehabilitation services;
2. propose an annual implementation plan consistent with the comprehensive plan and with due regard for the findings from evaluation of existing programs;
3. provide a public forum for the discussion of issues related to the mental health services for which the board has planning and coordinating responsibility;
4. advocate the needs of persons with mental disorders before the governor, executive agencies, the legislature, and the public;
5. advise the legislature, the governor, the Alaska Mental Health Trust Authority, and other state agencies in matters affecting persons with mental disorders, including, but not limited to:
 - a. development of necessary services for diagnosis, treatment, and rehabilitation;
 - b. evaluation of the effectiveness of programs in the state for diagnosis, treatment, and rehabilitation; and
 - c. legal processes that affect screening, diagnosis, treatment, and rehabilitation.
6. provide to the Alaska Mental Health Trust Authority for its review and consideration recommendations concerning the integrated comprehensive mental health program for those persons who are described in AS 47.30.056 (b)(1) and the use of money in the mental health trust settlement income account in a manner consistent with regulations adopted under AS 47.30.031 ; and
7. submit periodic reports regarding its planning, evaluation, advocacy, and other activities.

B. Advisory Board on Alcoholism and Drug Abuse ("ABADA")

The Advisory Board on Alcoholism and Drug Abuse ("ABADA") is located within the Department of Health and Social Services. AS 44.29.100. Board members are appointed by the Governor. AS 44.29.110. They do not earn a salary, but are entitled to reimbursement for expenses authorized for boards and commissions. AS 44.29.130.

Pursuant to AS 44.29.140(a)(1), ABADA acts "in an advisory capacity" to the legislative and executive branches of the government on the following matters:

1. special problems affecting mental health that alcoholism or drug abuse may present;
2. educational research and public informational activities in respect to the problems presented by alcoholism or drug abuse;
3. social problems that affect rehabilitation of alcoholics and drug abusers;

4. legal processes that affect the treatment and rehabilitation of alcoholics and drug abusers;
5. development of programs of prevention, treatment, and rehabilitation for alcoholics and drug abusers; and
6. evaluation of effectiveness of alcoholism and drug abuse programs in the state.

AS 44.29.140(a)(1)(A)- (F). ABADA is also required to provide to the Alaska Mental Health Trust Authority with recommendations concerning the integrated comprehensive mental health program for the people who are described in AS 47.30.056 (b)(3), and concerning the use of money in the mental health trust settlement income account in a manner consistent with regulations adopted under AS 47.30.031 . AS 44.29.140(a)(2).

II. Joint Work of AMHB/ADABA

AMHB and ABADA are distinct entities with separate authorizing statutes and responsibilities. However, the boards have significant overlap, work together, and share staff. According to the AMHB/ABADA Executive Director, "since the integration of the two divisions related to mental health and substance abuse, and the consolidation of the Boards' staff, the two entities engage in joint advisory, educational, and advocacy activities the majority of the time." The Executive Director provided additional facts:

- The Boards meet three times per year (winter, spring, and fall), during which time they conduct their usual forms of business, including developing an advocacy plan (fall), implementing the advocacy plan (winter), and evaluating the success of that advocacy plan (spring).
- All of these areas of work involve a continuous communication loop with elected officials throughout the year.
- Most of these activities are conducted by staff, with the oversight and participation of board members. The exception is the area of advocacy, in which board members are the primary actors throughout the year.²
- In fulfilling the obligations to educate and advocate on behalf of our constituents, the Boards place heavy emphasis of grassroots and self-advocacy.
- Providing information, education, training, mentoring, support and various discussion forums for grassroots organizations and self-advocates is the main mechanism by which the Boards are advocates for individuals experiencing mental illness and addiction.

With respect to BM1, AMHB/ABADA seek to do the following:

- The boards will discuss the initiative in the course of a public meeting.

² AMHB has explicit advocacy responsibilities that ABADA does not: to "advocate the needs of persons with mental disorders before the governor, executive agencies, the legislature, and the public." AS 47.30.666(4).

- The boards will entertain a motion to take a position, whether in support or against, the ballot initiative at issue.
- The boards will draft and adopt a resolution explaining that position and the rationale for the position, with the intent to communicate that resolution to the public, specific stakeholders, and elected officials. Specific communication media would include but not be limited to the boards' official websites and e-mail, blog, social media accounts, newspapers and other print media, and radio and public service announcements.
- The boards will direct staff to engage in a course of action related to communicating the boards' position through various media, developing partnerships with stakeholders and organizations with a common position, expending staff and financial resources to educate the public about the initiative, and expending staff and financial resources to provide information, tools and support to grassroots and self-advocates.

There has been no specific appropriation of funds for AMHB/ABADA to take up and pass a resolution related to BM1 or to engage in any advocacy efforts related to the initiative. The boards want to take a position on this because they believe BM1 will affect their ability to perform their duties and to serve the populations they are charged with representing.

ANALYSIS

AS 15.13.145 provides that a state agency may only use money held by the entity to influence the outcome of a ballot proposition if the money was specifically appropriated by a state or municipal law for that purpose. AS 15.13.145(a), (b). However, in the absence of a specific appropriation, an officer or employee of a such an entity may use money held by that entity to communicate about a ballot proposition if the communication³ is made in the usual or customary performance of the officer's or employee's duties. 2 AAC 50.356(b). Additionally, such entities are permitted to disseminate nonpartisan information about ballot propositions and information about the time and place of an election. AS 15.13.145(c); *see also* AO 08-05-CD.

AMHB and ABADA are not state agencies themselves, but are entities housed within the Alaska Department of Health and Social Services. They are state actors and are subject to the restrictions of AS 15.13.145.

AMHB/ABADA seeks to draft, consider, and pass a resolution on BM1. AMHB/ABADA would then communicate that position publicly via AMHB/ABADA's state-hosted website and e-mail system, its blog, social media outlets, news and other print media, radio, and public service announcements. These are

³ "Communication" means an announcement or advertisement disseminated through print or broadcast media, including radio, television, cable, and satellite, the Internet, or through a mass mailing, excluding those placed by an individual or nongroup entity and costing \$500 or less and those that do not directly or indirectly identify a candidate or proposition, as that term is defined in AS 15.13.065(c). AS 15.13.400(3).

all communications and all involve expenditures of money held by the entity, even if *de minimus*. See AO 10-10-CD at 4.

If permitted to take a formal position and pass a resolution, AMHB/ABADA would then seek to move beyond communicating its position and to expend staff and financial resources on direct action to influence the outcome of the vote on BM1. The boards' intent is to develop partnerships with stakeholders and organizations with a common position, educate the public about the initiative, and provide information, tools and support to grassroots organizations and self-advocates working on this issue.

There are similarities between the facts at issue here, and those the Commission addressed in AO 10-10-CD. In AO 10-10-CD, the Sitka School Board ("SSB") requested an advisory opinion on whether it could take a formal position and pass a resolution opposing the same ballot initiative. The Commission found that SSB could, as it was part of the usual and customary performance of its duties. See AO 10-12-CD at 5-6. However, this case is distinguishable because SSB did not seek expend any money on advocacy activities, advertisements, or dissemination of the resolution beyond the usual distribution of such information. AMHB/ABADA is interested in going further than SSB; AMHB/ABADA wants to engage in an advocacy campaign.

Applying the analysis from AO 10-10-CD, the Commission rules that AMHB/ABADA may consider and discuss BM1 during its regular board meeting, may take a formal position in support of or in opposition to BM1, and may communicate that position to its stakeholders and the public through its usual means of communicating its positions on issues affecting AMHB/ABADA. This conclusion is based on the reasoning employed in AO 10-10-CD: any expenditures related to discussing and passing the resolution are *de minimus*, the content of BM1 directly affects AMHB/ABADA, discussing matters that affect AMHB/ABADA are within the boards' usual and customary performance of their duties, and there are strong concerns for the protection of free speech.

However, absent a specific appropriation for this purpose, AMHB/ABADA cannot pursue the course of advocacy it has described which includes developing partnerships with other organizations, expending staff and financial resources to provide information, tools, and support to grassroots organizations and self-advocates. Such work would involve money held by the state being used to influence the outcome of an election concerning a ballot proposition and is not within the usual and customary duties performed by the boards. The boards do not regularly advocate against ballot measures that are not directly related to mental health services, alcoholism, or drug abuse. But because this ballot measure on its face impacts the work of AMHB/ABADA as an organization,⁴ the boards may still discuss it and

⁴ The full text of the official summary of the ballot measure is as follows:

formally oppose it. Advocacy beyond that is not permissible within the scope of AS 15.13.145 or 2 AAC 50.356(b). Individual board members are not precluded from ballot measure advocacy so long as money held by the state is not tied to the advocacy.

CONCLUSION

Without a specific appropriation of funds, AMHB/ABADA is permitted to take a formal position on BM1. AMHB/ABADA may consider, pass, and distribute a resolution in support of or in opposition to BM1 according to its customary procedures for doing so. Any expenditures related to this process must be disclosed on a report of contributions or independent expenditures to APOC under 15.13.040(d) and (e). Beyond this specific activity, APOC rules that money held by the state is being used for purposes of ballot measure advocacy in a manner that is inconsistent with AS 15.13.145.

COMMISSION DECISION

Only the Commission has the authority to approve an advisory opinion. 2 AAC 50.905. The Commission will rule on staff's proposed advice at its next regular meeting. The Commission may approve, disapprove, or modify the proposed advice. An advisory opinion must be approved by an affirmative vote of at least four members or it will be considered disapproved. Both staff's proposed advice and the Commission's final advisory opinion apply only to the specific facts and activity for which advice was requested.

If you rely on staff's proposed advisory opinion in good faith and the Commission subsequently rejects the proposed advice, staff will take no enforcement action on your activities up to that point if you acted under the specific facts described. If you have any additional questions or would like to discuss this proposed advice, please contact me at (907) 276-4176.

Ballot Measure #1, 07ANCO - Initiative Prohibiting the Use of Public Funds to Lobby or Campaign; and Prohibiting Holders of Government Contracts and Family Members from Making Political Contributions.

This bill would ban the use of public funds for political campaigns and lobbying by state and local government agencies, and school districts. Public funds could not be used to support or oppose ballot measures, lobby to pass a law, or ask for public funding. Any entity that lobbies or campaigns would be barred from receiving public funds. It would ban political contributions by government contract holders and members of their families. It would ban legislators and their staff from being employed by government contract holders for two years after leaving state service. The bill has criminal and civil penalties.

Should this initiative become law?

Available at http://www.elections.alaska.gov/ei_primary_bm.php.

ALASKA PUBLIC OFFICES COMMISSION

DECISION AND ORDER

Jeffrey D. Hancock v. Shirley Marquardt, 07-02-CD

This matter was heard on June 12, 2008, before the Alaska Public Offices Commission, with Chair Roger Holl and Commissioners Elizabeth Hickerson, Kathleen Frederick, and Kate Ballenger participating.¹ Investigator Jeff Berliner and Assistant Attorney General Jan H. DeYoung presented the amended investigative report and addressed the pending motion to dismiss; Tom Amodio was present for Respondent Shirley Marquardt, who also was present; Complainant Jeffrey D. Hancock was present by telephone.

Jeffrey Hancock filed a complaint November 7, 2007. The investigative report was filed January 29, 2008 and the complaint was set for hearing on February 7, 2008. Ms. Marquardt requested a continuance and moved to dismiss the complaint and withdraw the report. On February 7, the commission continued the hearing until its June 2008 meeting and asked staff to respond to the motion to dismiss. On April 25, 2008 staff opposed the motion to dismiss and filed an amended investigative report. Ms. Marquardt renewed her motion on May 16. On June 12, the commission heard argument on the motion; denied it; and convened the hearing. The record closed at the conclusion of the hearing on June 12, when the commission announced its decision on the record.

¹ Commissioner Shirley Dean recused herself.

This order follows.

Motion to Dismiss

At issue is whether an e-mail sent by a public official on the City of Unalaska e-mail system concerning candidates for municipal elective office was a use of money held by the city to influence a campaign in violation of AS 15.13.145.² That section provides:

Sec. 15.13.145. Money of the state and its political subdivisions. (a) Except as provided in (b) and (c) of this section, each of the following may not use money held by the entity to influence the outcome of the election of a candidate to a state or municipal office:

- (1) the state, its agencies, and its corporations;
 - (2) the University of Alaska and its Board of Regents;
 - (3) municipalities, school districts, and regional educational attendance areas, or another political subdivision of the state; and
 - (4) an officer or employee of an entity identified in (1) - (3) of this subsection.
- (b) Money held by an entity identified in (a)(1) - (3) of this section may be used to influence the outcome of an election concerning a ballot proposition or question, but only if the funds have been specifically appropriated for that purpose by a state law or a municipal ordinance.
- (c) Money held by an entity identified in (a)(1) - (3) of this section may be used. (1) to disseminate information about the time and place of an election and to hold an election; (2) to provide the public with nonpartisan information about a ballot proposition or question or about all the candidates seeking election to a particular public office.

(d) When expenditure of money is authorized by (b) or (c) of this section and is used to influence the outcome of an election, the expenditures shall be reported to the commission in the same manner as an individual is required to report under AS 15.13.040. (§ 24 ch 48 SLA 1996).

² The investigator issued an amended report recommending that the charges be narrowed to two: AS 15.13.145 and AS 15.13.072(a)(1). At the hearing Ms. Marquardt withdrew that part of her motion asking for the dismissal on due process grounds of the additional charge, involving the acceptance of a prohibited corporate contribution.

A majority of the commission concluded that the prohibition against using “money held by the entity to influence the outcome of the election of a candidate to a state or municipal office” in AS 15.13.145(a) included the use of a publicly owned asset or property, such as an e-mail communication system. See Advisory Op. 06-03-CD at 3 (approved 10/31/2006) (addressing campaigning after state-related travel in state-owned jet); Advisory Op. 05-06-CD (approved 6/22/2005) (addressing whether corporate spending ban covered incidental use of corporate e-mail system). Relying on the history of the application of AS 15.13.145, the statutory scheme, and the absence of a method in AS 15.13 to allow a public entity lawfully to make in-kind contributions or to report them, a quorum of the commission rejected the argument that “money held by the entity” should be narrowly construed to mean “money” as it is defined in 2 AAC 50.450: “currency . . . , checks, money orders, or negotiable instruments payable on demand.”

Because the complaint provided a description of facts that, if true, would support a violation of AS 15.13.145(a), the motion to dismiss was granted and the hearing was convened.

Findings of Fact

The material facts are undisputed:

1. Mayor Marquardt, a candidate for reelection in 2007, sent an e-mail through the City of Unalaska's e-mail system to two individuals, stating:

From: Mayor <mayor@ci.unalaska.ak.us>
Date: August 29, 2007 5:15:11 PM PDT
To: Glenn Reed glennr21st@mac.com>, stephanie madsen smadsen@atsea.org
Subject: FW:

FYI

The Unalaska Union coalition (PSEA, 302, ILWU) met on Monday and picked Randal Baker, Valerie Lemas and Shannon Morrison for the two council seats and the mayors seat in the Oct. 2 election.

They are all union employees with the exception of Shannon; his wife is the Union employee. If you have not seen this, look at page 41. They are going all the way with organizing in Unalaska and this election is the start. They came to the council meeting last night and in public input/announcements asked the council to not enter into negotiations with Chris Hladick (contract is up in September) until after the election because we all know anything can happen in an election and we believe there will be changes made. This is all about the city offering a raise and full benefits to the unions, but they want several times over the amount proposed and told council to raise taxes and stop capital projects to pay for the outrageous increases they are demanding. So now they want to get rid of the best city manager in the state, because he has told them no.

It is going to be so important to get the vote out, and the cut off date to register to vote is tomorrow at 5:00PM at city hall.

Gotta run.

Shirley

*Mayor Shirley Marquardt
City of Unalaska
Box 610 Unalaska, AK 99685
907-581-1251*

2. Ms. Marquardt handled her campaign from her home and from the office of her employer, Samson Tug and Barge Co., Inc..
3. Ms. Marquardt wrote and printed two campaign flyers and a letter to registered voters at the office (personally providing the paper, labels, and markers) of Samson Tug and Barge Co., Inc., and she gave the unused paper, after she finished printing the campaign flyers and the letter to voters, to her employer. (Ex. 5 to the investigative report.)

Two issues were presented in the amended investigative report for the commission to consider: (1) whether the e-mail message violated AS 15.13.145(a); and (2) whether Ms. Marquardt's use of an employer's facility and equipment to assist in her campaign constituted an unlawful corporate contribution that the candidate was prohibited from accepting under AS 15.13.072(a)(1).

Determination of the Issues

1. AS 15.13.145(a) prohibits the use of public money to influence the election of a candidate. This prohibition covers the use of a publicly owned e-mail system, which is purchased and maintained through public money.
2. The e-mail that Ms. Marquardt sent on the e-mail system: (a) identified three candidates, including one candidate who was opposing her and running for mayor; (b) stated that the candidates supported a position that Ms. Marquardt strongly opposed; and (c) included a call to action — *i.e.*, “to get the vote out.”
3. Because the reasonable meaning of the e-mail's message was to influence the outcome of an election for municipal offices, this e-mail message violated the prohibition in AS 15.13.145(a).
4. AS 15.13.072(a)(1) prohibits a candidate for office from accepting a contribution from a person not authorized to make a contribution.

5. AS 15.13.074(f) prohibits a corporation from making a contribution to a candidate for municipal office.

6. Ms. Marquardt's use of the office and equipment of Samson Tug & Barge Co., Inc., was a prohibited corporate contribution even though the value of the contribution was probably small and even though Ms. Marquardt informally attempted to compensate for the use, at least in part, by giving her unused paper to the corporation. By accepting the contribution, she violated AS 15.13.072(a)(1).

Penalty

1. For the AS 15.13.145(a) violation, a civil penalty of \$50 is imposed under AS 15.30.390 for the day the violation occurred.

2. For the AS 15.13.072(a)(1) violation, a civil penalty of \$100 is imposed based upon a \$50 per day penalty under AS 15.13.390 for the two days of use of the corporate assets.

The total penalty assessed is \$150.

Dated: July 2, 2008

Alaska Public Offices Commission

Roger Holl
By: Roger Holl
Chair

NOTICE TO RESPONDENT

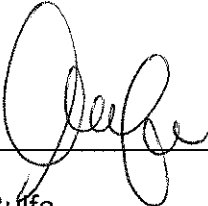
THIS DECISION AND ORDER WILL BECOME EFFECTIVE 30 DAYS AFTER ITS DISTRIBUTION. TO OBTAIN JUDICIAL REVIEW AS PROVIDED IN AS 44.62.560-570 AND THE APPELLATE RULES, YOU MUST FILE AN APPEAL WITH THE SUPERIOR COURT WITHIN 30 DAYS FROM THE DATE OF DISTRIBUTION OF THE ORDER. YOU MUST PAY THE PENALTY TO THE STATE OF ALASKA WITHIN 30 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER.

DISTRIBUTION

I certify that I served the following parties by United States mail, postage prepaid, on 7.2.08.

Jeffrey Hancock
PO Box 921181
Dutch Harbor, Alaska 99692

Tom Amodio for Mayor Shirley Marquardt
Reeves Amodio LLC
500 L Street, Suite 300
Anchorage, Alaska 99501

 7.2.08.

Maria Buffa
Executive Secretary

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

DONNA GILBERT,)	
)	
Complainant)	Case No. 14-01-CD
)	
vs.)	
)	
JOHN EBERHART,)	
)	
Respondent)	
_____)	

FINAL ORDER

Complainant Gilbert filed a complaint alleging that Respondent John Eberhart violated AS 15.13 during his 2013 mayoral campaign by using municipal and corporate resources to further his campaign. Respondent filed a motion to dismiss the complaint which was partially granted by the Commission.¹ A hearing was held on May 1, 2014, in Anchorage, Alaska which addressed the remaining issue raised by the complaint: whether Respondent violated AS 15.13.145 by using municipal assets to further his campaign for elective office. The Staff was represented by counsel from the attorney general's office and the Respondent was also represented by counsel. The Staff report was presented and the parties presented witness testimony, documentary evidence, and legal argument. The Complainant commented on the complaint and the Staff report.

¹ The Commission granted Respondent's motion to dismiss concerning Respondent's alleged use of corporate resources, in particular using a Tanana Chief Conference telephone in order to place a telephone call on April 3, 2013. The Staff did not oppose dismissal of this portion of the complaint concerning use of corporate resources. It is noted that the Commission previously issued a Decision and Order regarding Respondent's use of corporate resources in Case No. 13-12-CD, *DeSpain v. Eberhart*.

The essential dispute at hearing was whether Respondent used a city of Fairbanks municipal email system in order to influence the outcome of the election for mayor of Fairbanks. Alaska statute 15.13.145(a)(4) provides that an officer of a municipality may not use money held by the municipality in order to influence an election for municipal office. The Commission has previously found that the use of municipal assets or property such as an email system for campaign purposes is prohibited by this section. *See eg. Hancock v. Marquardt*, Case No. 07-02-CD at 3, 5; AO 06-03-CD, Linda Perez. Respondent used the municipal email system on July 2, 2013 in order to request that a city employee provide him with the ordinances and resolutions that he and Vivian Stiver, his mayoral opponent, had sponsored or co-sponsored for the period of 2006-2012. It was undisputed that on July 2, 2013 Respondent was a council member of the Fairbanks city council and he was also a candidate for mayor of Fairbanks. Respondent testified that he requested this material in order to be prepared for upcoming city council meetings where he anticipated being attacked for his prior performance as a council member by an associate of Ms. Stiver. Respondent also acknowledged that he referred to the material (resolutions) during a mayoral candidate debate with Ms. Stiver but that he did not use the material in any campaign advertising. According to Respondent, requesting this material through the municipality's email system was an appropriate use of that system because the request related to city business. In particular, as noted above, Respondent anticipated that the issues of prior ordinances and resolutions would be discussed at city council meetings. Respondent also argued that the information obtained by Respondent was public and there was no evidence that Respondent's

possession of this information had any influence on the outcome of the mayoral election.

In addressing whether Respondent's use of the city's email system was for purposes of influencing the mayoral election, the Commission finds it significant that the request was only for Respondent's and his opponent's record of ordinances and resolutions. Moreover, the period requested was for a lengthy time, 2006-2012 and Respondent requested to be notified if anyone else requested this information. In these circumstances, the Commission concludes that it is more likely than not that the request, focused on Respondent's record and his opponent's record (rather than on the record of all other city council members), was to obtain information that could be used to influence the mayoral election. It also notes that this information was utilized by Respondent during a candidate debate. The Commission acknowledges that this could be considered a de minimus use of municipal resources as it involved only an email request (three emails were exchanged on the subject) although processing the request also required work on the part of the city staff to obtain the information. In these circumstances, the Commission agrees with the Staff's recommendation that the use of the city's email system was a violation of AS 15.13.145 but that the civil penalty should be reduced. Accordingly, a civil penalty of \$37.50 is assessed which represents a 75% reduction in the maximum civil penalty under AS 15.13.390.

This is a final Commission order. It may be appealed to superior court within 30 days from the date of this order under AS 44.62. A request for the Commission to

reconsider this order must be filed within 15 days from the date this order is delivered or mailed pursuant to 2 AAC 50.891(g).

Dated: May 9, 2014

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION²

² The Commission approved this order by a 3-2 vote. Commissioners Ronald King and Kenneth Kirk would not find a violation of AS 15.13.145 based on these facts.

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

DAVID NEES,)	
)	
Complainant,)	
)	
vs.)	Case No. 16-01-CD
)	
ED GRAFF ¹ , SUPERINTENDENT,)	
and ANCHORAGE SCHOOL DISTRICT,)	
)	
Respondents.)	
_____)	

FINAL ORDER

Complainant David Nees alleges that the Anchorage School District (“ASD”) used public funds, without an appropriation, to influence the outcome of a school bond proposition in violation of AS 15.13.145(b) and that the related expenditures were not reported. Respondents submit that the materials at issue were nonpartisan information about a ballot proposition which did not require an appropriation under AS 15.13.145(c)(2), and thus did not require reporting.

At issue were a number of different materials produced by the school district regarding the bond proposition, including flyers, online ads, radio ads, postcards, and signs placed outside of schools that would benefit from projects if the bond proposition passed. In addition, ASD provided information about the bond proposition on its website

¹ At the Commission hearing on June 8, 2016, Respondents noted that Ed Graff is no longer the superintendent of the Anchorage School District and moved to dismiss him as he was only named in his official capacity. Complainant did not object, and Graff was dismissed from this matter.

and Facebook page. The materials produced by ASD did not specifically advocate for a “yes” or “no” vote on the bond proposition, but instead encouraged voters “to make an informed decision” and to “learn more” before voting on the proposition. Some, but not all, materials included information about the costs to taxpayers associated with the bond proposition. However, the materials provided ASD’s specific website² and Facebook page³ regarding the bond proposition where voters could obtain information about the costs to taxpayers of the proposed bonds.

On June 8, 2016, the matter came before the Commission. Nees was represented by his proxy, David Boyle. ASD was represented by its chief communications officer, Heidi Embley, and its attorneys, Charles Dunnagan and Nathaniel Parr. The facts were largely uncontested; the primary issue before the Commission was whether any of the materials produced by ASD were partisan. Boyle asserted that two types of materials were partisan. First, he maintained that all materials needed to include information regarding the costs associated with the bonds, and that those materials that did not include such information were partisan. Second, he argued that signs that read “This school has a project on the bond” placed outside of schools that were also polling places were also partisan.

ASD denied that any of these materials were partisan. ASD contended that it was not feasible to include cost information in all materials; it argued that postcards are too

² www.asdk12.org/bonds

³ [AnchorageSchoolBonds](#)

Final Order

Nees v. Anchorage School District

APOC Case No. 16-01-CD

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small and that 15-second radio ads are too short to include such information. Instead, each item produced by ASD included the address of the website where such cost information could be found. Additionally, ASD maintained that its materials used consistently neutral language, neither advocating for or against the bond proposition, but encouraging voters “to make an informed decision” and to “learn more” before voting on the proposition.

The Commission finds that the materials produced by ASD regarding the bond proposition contained “nonpartisan information about a ballot proposition” under AS 15.13.145(c)(2). Because the materials were nonpartisan, the funds used to produce them did not require a specific appropriation, nor is ASD required to report those expenditures. For these reasons, the complaint is denied.

This is a final Commission order. It may be appealed to superior court within 30 days from the date of this order under AS 44.62. A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed pursuant to 2 AAC 50.891(g).

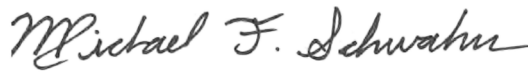
Dated: June 17, 2016

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION⁴

⁴ Commissioners Irene Catalone, Mark Fish, Ronald King, Vance Sanders, and Thomas Temple participated in this matter. The decision was made on a 4-1 vote.
Final Order
Nees v. Anchorage School District
APOC Case No. 16-01-CD
Page 3 of 4

I hereby certify that on this date, I caused
a true and correct copy of the foregoing to
be delivered as indicated to the following:

Charles Dunnagan Jermain, Dunnagan & Owens, P.C. 3000 A Street, Suite 300 Anchorage, AK 99503 cdunnagan@jdolaw.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail
David Nees 2542 Curlew Circle Anchorage, AK 99502 davidneesak@gmail.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> U.S. Mail



6-17-2016

Law Office Assistant

Date

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

Forrest Olemaun,)	
)	
Complainant,)	
)	
vs.)	Case No. 22-06-CD
)	
Elizabeth Asisaun Toovak,)	
)	
Respondent.)	

NOTICE OF HEARING AND PROCEDURAL ORDER

A hearing in this case will take place before the Alaska Public Offices Commission at approximately 9:55 a.m. on Thursday, June 15, 2023.

The Commissioners will be present in-person or online via Microsoft Teams Meeting and will receive evidence regarding this matter. You may be present at the hearing in person, by telephone (1-907-202-7104, Phone Conference ID 665 847 010#), or via [Microsoft Teams Meeting¹](#) and you may be, but are not required to be, represented by an attorney or agent.

If you wish to participate by telephone and are an individual who requires a special accommodation to participate, you must advise the Commission office on or before June 7, 2023, so that a special accommodation can be made.

PREHEARING AND HEARING PROCEDURES


- 1) Parties.** The parties in this case are Commission Staff and Respondent.
- 2) Issues.** At the hearing, the Commission will consider whether the Respondent failed to comply with AS 15.13 by using the funds of a state political subdivision to influence the outcome of a candidate election.

¹ Meeting ID:292 512 941 318, Passcode: rjLH2N.

- 3) Procedural history.** Forest Olemaun filed a complaint on October 14, 2022. Respondent filed an answer on October 27, 2022. Staff's investigation report recommending the complaint be dismissed was issued on November 25, 2022.
- 4) Hearing procedures.** The hearing will be conducted as provided in AS 15.13.380, 2 AAC 50.891, and the Alaska Administrative Procedure Act, AS 44.62.330 – 44.62.630. All testimony must be presented or submitted under oath. A party may call witnesses, cross-examine witnesses, present and rebut evidence. If the respondent does not testify, the respondent may be called and examined as if under cross-examination.
- 5) Evidence and exhibits.** All relevant evidence may be admissible at the hearing. In passing upon the admissibility of evidence, the Commission may consider, but is not bound to follow, the rules of evidence governing general civil proceedings in the courts of the State of Alaska. The Commission may exclude inadmissible evidence and order repetitive evidence discontinued.
- 6) Prehearing filings.** No later than June 2, 2023, a party:
- a) may file a list of witnesses expected to testify at the hearing;
 - b) may file copies of exhibits to be presented at the hearing that are marked and identified (for example, Resp.'s Ex. A);
 - c) may file a prehearing memorandum;
 - d) may file prehearing motions, including motions to dismiss, for summary judgment, or to exclude evidence, and
 - e) shall serve all parties and the Complainant with filings submitted.
- 7) Response to motions and requests for subpoenas.** No later than June 9, 2023, a party
- a) may respond to a motion; and
 - b) may request the Commission to issue subpoenas to compel the attendance of witnesses, the production of documents, or other things related to the subject of the hearing, and is responsible for serving the subpoena and paying the appropriate witness fee.

- 8) Extensions of time.** Requests to extend the deadlines in this order must be in writing, filed with the Commission, served on all parties and the Complainant, and supported by good cause.
- 9) Burden of proof.** The Commission staff has the burden to prove any charges by a preponderance of the evidence.
- 10) Order of proceedings.** Matters considered at a hearing will ordinarily be disposed of in substantially the following order:
- a) pending motions, if any;
 - b) complainant may present argument under 2 AAC 50.891(d)
 - c) presentation of cases as follows, unless otherwise ordered by the Commission:
 - i) The Commission Staff's direct case, including the investigative report, evidence, and testimony of witnesses;
 - ii) Respondent's direct case;
 - iii) Rebuttal by the Commission Staff; and
 - iv) Closing statements, if any, by Respondent and Commission Staff.
- 10) Decision and Order.** The Commission will issue an order no later than 10 days after the close of the record.


Dated: May 24, 2023


Heather Hebdon, Executive Director
Alaska Public Offices Commission

CERTIFICATE OF SERVICE

I certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

Elizabeth Asisaun Toovak PO Box 1386 Barrow, Alaska 99723 asisauntoovak@gmail.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail
Forrest Deano Olemaun PO Box 143 Barrow, Alaska 99723 Deano61@gci.net	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> U.S. Mail

 05/24/2023
Law Office Assistant Date

From: [Microsoft Outlook](#)
To: asisauntoovak@gmail.com
Subject: Relayed: Re: Notice of Hearing and Procedural Order - Complaint 22-06-CD
Date: Wednesday, May 24, 2023 4:41:28 PM
Attachments: [Re Notice of Hearing and Procedural Order - Complaint 22-06-CD.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
asisauntoovak@gmail.com (asisauntoovak@gmail.com) <mailto:asisauntoovak@gmail.com>
Subject: Re: Notice of Hearing and Procedural Order - Complaint 22-06-CD

From: [Microsoft Outlook](#)
To: deano61@gci.net
Subject: Relayed: Re: Notice of Hearing and Procedural Order - Complaint 22-06-CD
Date: Wednesday, May 24, 2023 4:41:29 PM
Attachments: [Re Notice of Hearing and Procedural Order - Complaint 22-06-CD.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
deano61@gci.net (deano61@gci.net) <mailto:deano61@gci.net>
Subject: Re: Notice of Hearing and Procedural Order - Complaint 22-06-CD